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**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**STATE OF GEORGIA,**  
**AT AN ANNUAL SESSION**  
**OF**  
**THE GENERAL ASSEMBLY,**  
**BEGUN AND HELD AT**  
**MILLEDGEVILLE, THE SEAT OF GOVERNMENT,**  
**IN NOVEMBER AND DECEMBER**  
**1823.**

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**MILLEDGEVILLE:**  
**PRINTED BY CAMAK & RAGLAND.**  
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**, 1824.**



**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**STATE OF GEORGIA.**

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Begun and held at the state-house, in the town of Milledgeville, on Monday the third day of November, 1823, the following members from their several counties attended, and the Hon. David Blackshear, chosen as chairman, having taken the seat, they produced their credentials and were severally sworn agreeably to the constitution of this state, and to support that of the United States, by his honor Judge Harris, took their seats, viz :

From the county of Burke, the hon. Alex. M. Allen,  
From the county of Elbert, the hon. Beverly Allen.  
From the county of Laurens, the hon. David Blackshear.  
From the county of Crawford, the hon. John Blackstone.  
From the county of Liberty, the hon. Wm. W. Baker.  
From the county of Oglethorpe, the hon. Joel Barnett.  
From the county of Chatham, the hon. John M. Berrien.  
From the county of Wilkinson, the hon. Samuel Beall.  
From the county of Morgan, the hon. Thos. Bonner.  
From the county of Hancock, the hon. Epps Brown.  
From the county of Camden, the hon. Hugh Brown.  
From the county of Jasper, the hon. John W. Burney.  
From the county of Clark, the hon. Zeddock Cook.  
From the county of Columbia, the hon. Peter Crawford.  
From the county of Habersham, the hon. Benjamin Cleveland.  
From the county of Telfair, the hon. John Coffee.  
From the county of Hall, the hon. Nehemiah Garrison.  
From the county of Madison, the hon. Samuel Groves.  
From the county of Washington, the hon. Thos. Glenn.  
From the county of Lincoln, the hon. Wm. Harper.  
From the county of Putnam, the hon. Simon Holt.  
From the county of Baldwin, the hon. Seaborn Jones.  
From the county of Newton, the hon. Harrison Jones.  
From the county of Warren, the hon. Henry Lockheart.

From the county of Franklin, the hon. James H. Little.  
 From the county of Dooly, the hon. Wm. Lampkin.  
 From the county of Glynn, the hon. Jas. C. Mangham.  
 From the county of Houston, the hon. David W. Mann.  
 From the county of Montgomery, the hon. Duncan McCrimmon.  
 From the county of Scriven, the hon. Roger McKinnie.  
 From the county of Bryan, the hon. John J. Maxwell.  
 From the county of Jackson, the hon. Hugh Montgomery.  
 From the county of De Kalb, the hon. Jas. M. C. Montgomery.  
 From the county of Jones, the hon. Charles Phillips.  
 From the county of Walton, the hon. Zachariah Phillips.  
 From the county of McIntosh, the hon. Allen B. Powell.  
 From the county of Effingham, the hon. Clem. Powers.  
 From the county of Pulaski, the hon. Samuel Robertson.  
 From the county of Appling, the hon. Samuel E. Swilley.  
 From the county of Fayette, the hon. James Strawn.  
 From the county of Greene, the hon. Thomas Stocks.  
 From the county of Henry, the hon. James Sellers.  
 From the county of Pike, the hon. Wylie J. Sterling.  
 From the county of Wayne, the hon. Sherrard Sheffield.  
 From the county of Tattnall, the hon. George M. Tippens.  
 From the county of Richmond, the hon. Valentine Walker.  
 From the county of Early, the hon. Alexander M. Watson.  
 From the county of Monroe, the hon. Alfred Welborne.  
 From the county of Gwinnett, the hon. Thos. Worthy.  
 From the county of Twiggs, the hon. Ezekiel Wimberly.

The chairman adjourned the members until to-morrow morning 11 o'clock.

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*TUESDAY, 4th Nov, 1823.*

The following senators elect appeared, produced their credentials, and were severally sworn agreeable to the constitution of this state, and to support the constitution of the United States, by the honorable Thomas W. Harris, judge of the Southern circuit, and took their seats, viz :

From the county of Bulloch, the hon. Samuel S. Lockheart.  
 From the county of Jefferson, the hon. Roger L. Gamble.  
 From the county of Emanuel, the hon. Stephen Swain.  
 From the county of Bibb, the hon. Charles Bullock.  
 From the county of Wilkes, the hon. Thomas Wooten.  
 From the county of Irwin, the hon. John Joice.  
 From the county of Rabun, the hon. Andrew Miller.



The senate then proceeded by ballot to the choice of their President, and on counting out the votes it appeared,

That the Hon. Thomas Stocks, of the county of Greene, was duly elected President of the senate of the state of Georgia.

They then proceeded to the election of their Secretary, and on counting out the ballots it appeared,

That William Y. Hansell was duly elected.

They then proceeded to the choice of Messenger, and on counting out the ballots it appeared,

That Henry Williams was duly elected.

They then proceeded to the choice of their Door-keeper, and it appeared on counting out the votes,

That Absalom McGuire was duly elected.

On motion of mr. Walker,

*Resolved*, That the secretary inform the house of representatives that the senate is organized and ready to proceed to business, having made choice of the Hon. Thomas Stocks, of the county of Greene, President of the senate, and William Y. Hansell secretary.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

I am directed to inform the senate that the house of representatives are now organized, having chosen the Hon. David Adams, of the county of Jasper, their Speaker, and William C. Dawson, Esq. their Clerk, and are ready to proceed to business.

And he withdrew.

On motion of mr. Powell,

*Resolved*, That the rules of senate of the last session be in force for the government of senate until altered.

On motion of mr. Holt,

*Resolved*, That the president appoint a committee on privileges and elections, with power to send for persons and papers.

Ordered, That messrs. Holt, Blackshear, Wimberly, Walker, and Wooten, be that committee.

Mr. Brown, of Hancock, laid on the table the following resolution :

*Resolved*, That the president proceed to the appointment of a committee, to join such as may be appointed on the part of the house of representatives, as a committee on finance, with power to call for persons and papers.

Which was read,

Whereupon, mr. Lockheart, of Bulloch, proposed the following as a substitute ; \*

*Resolved*, That the president do now proceed to the appointment of all standing committees.

Which was read.

And the following amendment thereto, proposed by mr. Jones, of Baldwin, to wit :

On the state of the republic, finance, internal improvement, public education and free schools, banks, printing, penitentiary, judiciary, military, and enrollment.

Which was read.

And the resolutions with the amendments ordered to lie on the table.

On motion of mr. Cleveland,

*Resolved*, That a committee be appointed on the part of senate, to join such committee as may be appointed on the part of the house of representatives, to wait on his excellency the Governor, and inform him that the general assembly is now organized and ready to receive any communication that he may think proper to lay before them.

Ordered, That messrs. Cleveland, Coffee, and Bonner, be that committee.

A message from the house of representatives by mr. Dawson, their clerk:

*Mr. President*,

The house of representatives have concurred in the resolution from senate appointing a committee to wait on his excellency the Governor, and have added a committee on their part.

And he withdrew.

Mr. Cleveland, from the committee appointed to wait on his excellency the Governor, and inform him that the general assembly are now organized, reported,

That they had performed the duty assigned them, and received for answer from his excellency, that he will lay before both branches of the legislature his communication at 12 o'clock to-morrow.

The senate adjourned until to-morrow morning 11 o'clock.

*WEDNESDAY, 5th Nov. 1825.*

**On motion of Mr. Powell,**

*Resolved,* That the senate and house of representatives will convene in the representative chamber on Thursday next at the hour of two o'clock P. M. and proceed to the election of a Governor agreeable to the constitution.

Which was read and agreed to.

A message from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have passed a resolution requesting his excellency the Governor to furnish one hundred copies of Prince's Digest of the laws of this state, for the use of the legislature whilst in session.

And he withdrew.

The senate took up the message, and concurred in the resolution therein contained.

Mr. Montgomery, of De Kalb, gives notice that on to-morrow he will move for a committee to prepare and report a bill to alter and amend the second section of the second article of the constitution of the state of Georgia.

Mr. Cleveland gives notice, that he will, after to-morrow, move for the appointment of a committee to prepare and report a bill for taking the census of the state in conformity to the constitution.

Mr. Jones, of Newton, gives notice that he will, after to-day, ask leave for the appointment of a committee to prepare and report a bill to give further time to the fortunate drawers in the land lotteries of 1820 and 1821, to take out their grants.

Mr. Little gives notice that he will, after to-day move for the appointment of a committee to prepare and report a bill to alter in part the time of holding the courts of ordinary in the several counties in this state.

Mr. Sellers presented a petition from sundry of the citizens of Newton and Henry counties :

Which was read and referred to a select committee consisting of messrs. Sellers, Jones, of Newton, Strawn, Montgomery of De Kalb, and Burney.

A message from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have concurred in the resolution setting apart to-morrow at 2 o'clock P. M. for the election of Governor.

And he withdrew.

Mr. Montgomery, of Jackson, gives notice that he will, after to-morrow, ask leave to introduce a bill to be entitled an act to dispose of the fractional surveys of land, which remain unsold in the counties of Walton, Gwinnett, Hall, Habersham, and Rabun.

Mr. Wooten presented a petition from Stephen Mallory, signed by sundry citizens of Wilkes county :

Which was read and referred to a select committee consisting of messrs. Wooten, Walker, and Tippins.

Mr. Lockheart, of Bulloch, gives notice that he will, after this day, move for the appointment of a committee to prepare and report a bill to reduce the price of lottery grants for land obtained from the Creek and Cherokee Indians.

Mr. Cleveland gives notice that he will, after to-morrow, move for the appointment of a committee to prepare and report a bill to amend the tax laws of this state.

Mr. Mangham gives notice that he will, after to-day, move for the appointment of a committee to prepare and report a bill to authorise the commissioners of Glynn county academy to appropriate a part of their funds to the erection of two free schools in said county.

Mr. Beall gives notice, that after to-day, he will move for a committee to be appointed to prepare and report a bill to be entitled an act to amend an act entitled an act to amend the 26th section of the judiciary act, passed the 16th day of December, 1799, and also to prevent the fraudulent enforcement of dormant judgments, passed the 19th day of December, 1822.

On motion of mr. Powers,

*Resolved*, That a standing committee on petitions be appointed.

Ordered, That messrs. Powers, Garrison, Harper, Bonner, and Mann, be that committee.

Mr. Sellers presented a petition from sundry citizens of Newton county :

Which was read and referred to a select committee consisting of messrs. Sellers, Montgomery, of De Kalb, and Jones of Newton.

On motion of mr. Blackshear,

*Resolved*, That the committee on finance have power to send for such persons and papers as may be deemed necessary to the discharge of the duty required of them.

Which was read, and ordered to lie on the table.

Mr. Blackshear called up the resolution of yesterday, authorising the president to appoint the several standing committees.

Which was read and agreed to as follows :

*Resolved*, That the president do now proceed to the appointment of all standing committees, to wit : on the state of the republic, finance,

internal improvement, public education and free schools, banks, printing, penitentiary, judiciary, military, and enrollment.

Whereupon the president appointed,  
Messrs. Blackshear, Berrien, Jones of Baldwin, Cook, Allen of Burke, Walker, Wooten,

The committee on the part of senate on the state of the republic.

Messrs. Brown of Hancock, Crawford, Montgomery of Jackson, Maxwell, Coffee,

The committee on the part of senate on finance.

Messrs. Berrien, Gamble, Burney, Welborn, Bonner, Robison,

The committee on the part of the senate on the judiciary.

Messrs. Powell, Jones of Baldwin, Montgomery of De Kalb, Walker, and Blackstone,

Committee on the part of senate on banks.

Messrs. Allen of Elbert, Little, Wimberly, Miller, Worthy, Barnett, Harper, and Mangham,

Committee on the part of the senate on agriculture and internal improvement.

Messrs. Gamble, Baker, Powers, Jones of Newton, Lockheart of Warren, and Watson,

Committee on the part of senate on public education and free schools

Messrs. Cleveland, Coffee, Groves, Phillips of Jones, Montgomery of De Kalb, Blackstone, Bullock, Wimberly, and Berrien,

A military committee on the part of senate.

Messrs. Holt, Garrison, Mann, Glenn, McKinney, Lockheart of Bulloch,

Committee on part of senate on the penitentiary.

Messrs. Groves, Holt, Tippins,

Committee on part of senate on printing.

Messrs. Brown of Camden, Beall, Bullock,

Committee on part of senate of enrollment.

The following communication, with accompanying documents, was received from his excellency the Governor, by his secretary, Mr. Burch.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 5th Nov. 1828. }

*Fellow-Citizens of the Senate,  
And House of Representatives,*

The period has again arrived, when it becomes my duty to lay before you, as the immediate representatives of the people, an an-

SEN.



count of the past year's administration of the government, with such views of future measures, as I conceive would promote the prosperity of the state.

As directed by the last legislature, their resolution of the 29th November, 1822, urging the dividing line between the state of Alabama and Georgia, to be run in compliance with the articles of agreement and cession of the 24th April, 1802, has been communicated to the president of the United States, and to the executive of the state of Alabama. Owing probably to the contemplated treaty with the Cherokee Indians not having been concluded as was then anticipated, no measures have been adopted by the general government upon the subject; the proceedings of the legislature of the state of Alabama respecting it, are herewith communicated.

Upon application to the president, the commission for receiving the claims against the Creek nation of Indians, under the treaty of 1821, was kept open, under the superintendence of Stephen Pleasonton, esq. till the first day of August last. The further sum of fifteen hundred and ninety eight dollars has been allowed, the first and second instalments of which being \$639 29, has been received, which, together with \$5 495 44, previously received, amounts to \$66,134 64 the whole amount received on account of the claims. Out of which the sum of \$28,295 21½ has been paid to different claimants—leaving a balance of \$7,839 43½, which is deposited in the Branch of the Darien Bank at this place, subject to the order of the executive. Besides these, other claims of the same description have been recently allowed, amounting to the further sum of \$9,558 60, the two first installments of which, amounting to \$3,823 44, were yesterday received in a draft on the Branch Bank of the United States at Savannah.

Upon the application of the legislature of this state, an appropriation was made by Congress, at the last session, for the purchase of certain reservations of land taken by heads of Indian families, under different treaties heretofore concluded with the Creek and Cherokee nations of Indians.

Duncan G. Campbell and James Meriwether, Esqs. commissioners appointed by the president to treat with the Cherokees for a cession of territory, were also instructed to negotiate the purchase of all reservations taken within the limits of Georgia. By the letter of the commissioners, which is now submitted to you, you will perceive how far they have proceeded in the discharge of their duty. The original conveyances which they have taken, I transmit to the house of representatives, they having reached me yesterday. I have not been able to have them copied. In relation to these, it is probable you may consider some legislation necessary. I would suggest the propriety of their being registered as original titles, and of some provision being made, whereby they may be admitted in evidence, in the event of their being called in question.

I had indulged a hope that these gentlemen would have succeeded in the more important business of their appointments, in obtaining a

cession of territory from the Cherokee nation. Deriving their appointments as they do from the United States, they are not amenable to the authority of Georgia, and have therefore made no report of their proceedings. It will be remembered however, that under the authority of the legislature, state commissioners have been heretofore appointed with instructions to accompany the United States commissioners, and to negotiate the adjustment of citizens' claims, arising under the several treaties of Augusta, Holston, and Philadelphia. The state commissioners have very recently returned and reported a total failure in the business of their mission. Their correspondence with the general council of the nation, will be found in the journal of their proceedings, which I send to the house of representatives. In the same journal will also be found a part of the correspondence which passed between the council and the commissioners on the part of the United States. By reference to this journal, you will have a view of the standing and prospects of our citizens in regard to their claims, and of the opposition which is made to the extension of our settlements. During the four years that I have filled the executive chair, I have lost no opportunity of furthering the attainment of these two objects. Being about to retire, I abate nothing in my convictions of our rights, and the policy of urging them. Difficulties have already increased and will continue to increase by delay.

The correspondence with the secretary of war upon these subjects, is herewith submitted.

Under an act of the last legislature, directing that the dividends upon the bank stock heretofore set apart for the endowment of county academies, as well as other monies in the Treasury, which have arisen from the sale of confiscated reverted property and escheated estates, should be divided among the several counties in the state, until each county should have received the sum of two thousand dollars, including the amount already received in cash or confiscated property, at one eighth of the amount given for the same, I have caused an estimate to be made of the sums subject to distribution under this act, and of the amounts heretofore received by several of the counties, and finding that the whole sum subject to distribution at the time, would not give more than about five hundred dollars to those that had received nothing, and make up that sum to those that had received less than five hundred dollars, I have drawn accordingly in their favor, as far as applications have been made for such sums as they were respectively entitled to under this rule of distribution.

The sum of twelve thousand dollars denominated the poor school fund, directed by an act of the last session to be distributed among the different counties, in proportion to the number of poor children which should be returned in conformity to the second section of the said act, has not been touched in consequence of the returns of the number of children not having been made to the executive, as required by said act, for without, no just distribution could be made. A schedule of such returns as have been received is herewith transmitted, showing the number in the counties which have made returns.

Three thousand copies of Prince's digest have been neatly printed, well bound, and delivered agreeably to contract, a part distributed pursuant to an act of the legislature, passed 12th Dec. 1809, and the remainder reserved for the future disposition of the legislature.

The commissioners of the Savannah river between Augusta and Petersburg, have, in compliance with a resolution of the last legislature, deposited in the branch of the State Bank at Washington, the unexpended balance of money appropriated for that section of the river.

I am constrained to inform you that I have not, during my administration, been able to select a suitable character, who would accept the appointment of civil and topographical engineer. There have been, notwithstanding, several applications made for the appointment by gentlemen of respectable character and standing, but not of experienced knowledge, which I deem an indispensable requisite in the person on whom it is conferred. I am still of the opinion which I had the honor of suggesting to the last legislature, that it would be advisable to unite with the state of North Carolina in procuring the services of Mr. Fulton.

The proceedings in the district court, and in the superior court of Baldwin county, respecting certain Africans illegally introduced into the United States, are still pending.

Owing to accidental circumstances, and without any design of fraud, several persons illegally drew lands in the two last lotteries, and as evidence of their innocence in that regard, have voluntarily relinquished their claim to the state. I have caused their relinquishments to be recorded in the office of the clerk of the superior court of the counties where the lands respectively lie. The lots so drawn are nine in number.

I herewith submit for your consideration, a communication and documents therein mentioned, from his excellency the governor of the state of South Carolina, proposing a convention between that state and Georgia, having for its object the improvement of the navigation of Savannah and Tugaloo rivers.

In compliance with the request of the legislature of the state of Illinois, I herewith communicate a report and resolutions adopted by them respecting appropriations of land made by Congress for the purposes of education.

The sum of eight thousand dollars, that being the amount of the third year's interest on the steam boat stock owned by the state, was duly paid on the 1st day of May last by the company, pursuant to contract.

Reports from the different banks in the state have been received, and copies of which are herewith communicated for your consideration.

An apportionment of arms procured during the last seven years, under an act of Congress, passed in 1808 for arming the militia, has

been made by the ordnance department of the United States, and the executive informed that captain Mackay, commanding at the United States arsenal near Augusta, has received instructions to deliver the balance due this state to the order of the executive. Directions, as will be seen by the correspondence on this subject, herewith submitted, have been accordingly given for their delivery at this place.

You will herewith receive two reports from the commissioners of Tugaloo river. The one though bearing date in October, 1822, was not received in time to be communicated to the last legislature.

I herewith communicate to the house of representatives a report, with accompanying documents, from Arthur A. Morgan, esq. in relation to suits brought on bonds and mortgages, against purchasers of fractions of land lying between the Oconee and Ocmulgee rivers; and I also communicate two schedules in relation to the same subject, as well as others made out by the treasurer. This subject being of considerable interest, and not having been acted upon by the last legislature, before whom I laid it, it is again communicated. The documents being voluminous, and not having time to have copies prepared, I send the originals to the house of representatives, with a request that they be returned to this department.

The legislature, at their last session, in the appropriation law provided for the payment of only two secretaries for this department.—That law was not presented to me until the legislature adjourned, consequently I had it not in my power to give my views upon the propriety of making provision for three then in office, which number at that time was absolutely necessary. In consequence, the one discharged was re-appointed next day, and continued until the 5th of May, when he resigned. The business having increased on the 20th October, when a third was again appointed, and their services have been paid for out of the contingent fund.

The penitentiary fund has been, in consequence of an oversight in the Comptroller-general, overdrawn by eight hundred and forty-eight dollars and nineteen cents. That fund was exhausted before the commencement of the fourth quarter, and a part of the third remains yet to be paid; and several accounts in favor of sheriffs, for conveying convicts to the penitentiary, also remain unpaid.

On examination, it was found that the fence round the state house square was so much decayed, as to require to be made entirely anew. That has been done. The work was let at public outcry to the lowest bidder for eight hundred dollars, to which has been added forty dollars for extra work done on the steps.

An account of Camak & Ragland, for printing the laws and journals of the last session, remains unpaid, it not having been presented until the printing fund was exhausted.

A statement of warrants drawn on the Treasury during the political year eighteen hundred and twenty three, and a list of executive appointments made during the same period, are herewith submitted.

Among other matters of general importance, the situation of our banks and the soundness of our circulating medium as connected with the revenue and general interest of the state, will doubtless receive your attention. I know that this is a subject upon which a considerable portion of the community are peculiarly sensitive, and many are averse to legislative scrutiny into the management and standing of those institutions, under an impression that such scrutiny will awaken suspicion and impair the confidence of the community in the paper currency of the state. If these banks have been managed with ability, if their capital has not been impaired from injudicious loans or the exercise of too much favoritism, they have nothing to fear from a fair investigation into their concerns. At any rate the state is too deeply interested in the welfare of those institutions, to look with apathy upon the slightest indication of an event so ruinous to her revenue, as a depreciated currency. The low price at which the stock of the two principal banks may be purchased, are such indications, as will, it is conceived, warrant your setting on foot a rigorous examination into the causes of such a state of things as has evidently created considerable distrust, and when discovered it rests with you to apply the corrective. I am clearly of opinion that much good would result from requiring the different banks in which the state owns stock, both principals and branches, to report every six months to the executive, the whole of their proceedings, giving the names of their debtors and the amount due by each, to be laid before the legislature at their annual sessions, which would enable them the better to discover and detect bad management, and the more effectually to apply the remedy.

One of the principal objects of the legislature in chartering the bank of Darien, it is believed, was to encourage and facilitate commercial operations between the western and south western parts of the state with Darien. It is feared that the intentions of the legislature in that respect have not been carried into effect, or its object much advanced.

Whilst upon this subject I hope to be indulged in making a few general remarks. That banking institutions are advantageous to those engaged in commercial enterprises when resorted to with caution, is a proposition that can admit of but little doubt; but that they are ruinous in their consequences when introduced into the interior of any country, all must acknowledge who have witnessed their effects.—Hence I view it as a measure deeply to be deplored that the legislature in the creation of the several banks of the state, had not expressly restricted them to those places where the surplus products of the state are carried to market. It may be said they loan only to those who ask for accommodations, and that the borrowers are the best judges of their wants, and should be left to a free exercise of their wills in the management of their private concerns. The correctness of this reasoning to a certain extent cannot be questioned, but when we view the prostration of private credit, and the desolation of families which have been produced in some of our sister states by the injudicious issue of paper money, thrown into circulation in every quarter of the country, we can but view it as a most alarming evil, and one which the legislature should seek to obviate. Happily for the state



which we inhabit, such have not been our sufferings here, though the time may come when the establishment of branch banks in the interior of the country, will be viewed as the greatest curse that could have been inflicted on any people. Indeed the opinion even now almost universally prevails that the pecuniary embarrassments of the citizens is greater in proportion as you approach the vicinity of a bank. If this be true, it certainly shows that they are pernicious to the people, and if the right has not already passed from your hands, it would be a wise precaution to remove the evil ere the anticipated consequences assume a more serious character.

Independent of these considerations, which I deem to be the opinions of a great majority of the state, others might be urged against the policy in question. Capital may be wielded so as to advance the great interests, and it may be wielded so as to prostrate the dearest rights of the community. Who is prepared to say that the period may not arrive when those monied institutions will throw the weight of their powerful but subtle influence into the scale of an aspiring faction, hostile to the true interests of the country, thus sapping the foundation of the representative system, by corrupting the purity of the elective franchise. This has been urged with great cogency against the United States bank by those who were hostile to it, and if applicable to that institution, it is equally as much so to those which exist by the state authority.

The condition of our Treasury at this time is certainly flattering. You will perceive that there is now in the Treasury upwards of four hundred thousand dollars yielding no increase; which sum will be greatly increased by the sale of the lands now in the market, and by the collection of other debts due the state. How shall this money be vested, and in what way shall the annual interest yielded be appropriated? are questions entitled to your serious deliberation. Some of the states have banking institutions or loan offices, the capital owned exclusively by the state, which yield handsome revenue. The plan heretofore pursued in making investments of the funds of the state in bank stock, is certainly liable to many objections, and experience has proven that it is a precarious source of revenue. The individual stockholders of the bank, it is presumed, would prefer to be unshackled in the management of those establishments by state directors and legislative enquiries, and it might possibly be to the advantage both of the state and those who are interested as individuals, if the shares held by the state could be sold at any thing like a par value, or if the amount paid in by the state could be amicably withdrawn, it would place at the disposal of the state, capital sufficiently large to authorise the formation of a system of revenue safe, permanent, and profitable. I do not hesitate to give it as the conviction of my mind, that a state engaged or interested in any way in loaning her funds, or carrying on a system of banking, should be exclusively interested, and have the sole management of the business. The operations should be at the seat of government alone, and the money drawn from the Treasury under such restrictions as would secure a strict accountability. The revenue, which would in all probability, arise to the state from such an institution, would, in the course of a few years, be sufficient, if not

entirely, measurably to relieve the citizens from taxation, enable the state to progress advantageously in internal improvement, and perfect its system of public education, all of which are objects highly interesting, and promising lasting benefits to the state.

The privilege of choosing those who rule over us, is one of the most inestimable rights of a free people, and the surest guarantee of their liberties. It would be a matter well worthy of legislative consideration, to enquire whether this privilege of the citizens of Georgia has not, in one instance, been expressly taken from them, and in another, unrighteously withheld. Permit me respectfully to suggest the propriety of an alteration of the constitution of the state of Georgia, so as to give the election of governor directly to the people; and also the passage of a law to carry into effect that part of the first section of the second article of the constitution of the United States which relates to the appointment of electors of president and vice-president of the United States. That the alteration in the first is loudly demanded by the voice of the state, is a fact that admits of but little doubt; and that there should be an expression of the legislative will upon the article of the constitution referred to, seems to my mind to be absolutely required by the words themselves. And it is a most singular circumstance, that heretofore a simple resolution for bringing on the election should have been deemed a compliance with a requisition of that instrument in a case of such vital importance. In legislating upon this subject, it is not reasonable to suppose that the legislature would undertake to vest themselves with a right which, from the nature and genius of our government, more properly belongs to the people. Upon this subject the constitution of the United States is not as definite as might have been, and it is from this that I draw the inference, that in this as well as in every other election of sufficient importance to excite a general feeling, and when there exists the least doubt as to the power of appointment, the right is unquestionably with the people, and it is little short of usurpation to deprive them of its exercise.

I again mention, as deserving your consideration, the long neglected claims against the general government, for services performed by the militia of the state in years 1792, 3, and 4. Ample evidence has been furnished from this department that the service was authorised by the general government, and a bill passed the senate in their favor at the last session of Congress; but owing to some cause it was not acted on in the house of representatives.

Thus, gentlemen, I have given you a concise view of the transactions of the executive department for the last political year, and have also taken the liberty of submitting to you my opinions upon some of the existing defects of our laws and institutions, with such suggestions of amendment as I deemed best calculated "for the greatest good of the greatest number." They are the sincere convictions of my mind, derived from experience and observation, declared under a deep solicitude for the prosperity and happiness of my fellow-citizens, and a profound sense of those obligations of duty and gratitude which bind me to my countrymen.

With sincere gratitude for the repeated manifestations of confidence with which my fellow-citizens have been pleased to honor me, I console myself under the belief, that whatever frailty of human judgment may be discovered in my political acts, that it will be believed, by all impartial judges, that my object has been the public good.

That He who rules the destiny of states and councils may guide and direct yours, is the fervent desire of

JOHN CLARK.

Which was read, and together with the accompanying documents ordered to lie on the table.

The senate adjourned until to-morrow morning 10 o'clock.

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*THURSDAY, 6th Nov. 1823.*

On motion of mr. Blackshear,

The senate took up the documents accompanying the Governor's communication of yesterday, which were severally read and referred, viz :

Documents Nos. 1, 2, and 3, to the committee on the state of the republic.

Documents 4 and 11, to the committee on finance.

Documents Nos. 5 and 7, to the committee on public education and free schools.

Documents Nos. 6 and 10, to the committee on agriculture and internal improvement

Document No. 8, to the committee on banks.

Document No. 9, to the military committee—and,

Document No. 12, being a list of executive appointments, was ordered to lie on the table.

The following communication, with an accompanying document, was received from his excellency the Governor, by his secretary mr. Burch.

SEN.

EXECUTIVE DEPARTMENT, GEORGIA,  
*Milledgeville, 5th Nov. 1823.*

*To the Hon. the Senate,  
 And House of Representatives:*

Having omitted, in my communication this morning, to mention the subject of undrawn squares of land in the last lottery, I herewith transmit a copy of the report of Daniel Sturges and James Bozeman, Esqrs. who, at my request, made the examination, a copy of which has been furnished the fraction selling commissioners in compliance with the resolution of the 13th December, 1822. I also omitted to suggest to you the propriety of making a reasonable allowance to Elisha Wood, esq. one of my secretaries, for his trouble and risk in paying the several persons whose claims have been allowed under the provisions of the late treaty with the Creek Indians. This business although attended to by him whilst receiving pay as a secretary of this department, has been attended with considerable trouble and risk of loss, and has not interfered with a strict adherence to his duties as secretary. I therefore consider him justly entitled to compensation, and recommend that such provision be made for him as the legislature may think proper.

JOHN CLARK.

Which was read, and together with the accompanying document, referred to the committee on the state of the republic.

Agreeable to notice, Mr. Montgomery, of De Kalb, moved for the appointment of a committee to prepare and report a bill to amend the second section of the second article of the constitution of the state of Georgia.

Ordered, That messrs. Montgomery, of De Kalb, Jones, of Baldwin, and Berrien, be that committee.

Agreeable to notice, Mr. Mangham moved for a committee to be appointed to prepare and report a bill to authorise the commissioners of Glynn county academy to appropriate a part of their funds to the erection of two free schools in said county.

Ordered, That messrs. Mangham, McKennie, and Swain, be that committee.

Agreeable to notice, Mr. Lockheart of Bulloch, moved for the appointment of a committee to prepare and report a bill to reduce the price of grants for land obtained from the Cherokee and Creek nation of Indians.

Ordered, That messrs. Lockheart, of Bulloch, Allen, of Elbert, and Allen, of Burke, be that committee.

Mr. Welborn gives notice that he will, after to-morrow, move for the appointment of a committee to prepare and report a bill to establish and make permanent the site of the public buildings of Monroe county at the town of Forsyth, and incorporate the same.

Mr. Jones, of Newton, gives notice, that he will on to-morrow, move for the appointment of a committee to prepare and report a bill to lay off additional brigades in the militia of this state.

Mr. Little gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to be entitled an act to divorce and separate Patience Tolbert and Washington Tolbert her husband.

Mr. Sheffield presented a petition from sundry citizens of Wayne county ;

Which was read and referred to a select committee consisting of messrs. Sheffield, Powell, and McCrimmon.

Mr. Miller presented a petition from sundry citizens of Rabun county :

Which was read and referred to a select committee consisting of messrs. Miller, Holt, and Montgomery, of Jackson.

A message from his excellency the Governor, by his secretary mr. Burch.

*Mr. President,*

His excellency the Governor has approved and signed a resolution, which originated in this branch of the general assembly, appointing this day at the hour of two o'clock P. M. for the election of a Governor agreeably to the constitution.

On motion of mr. Strawn,

*Resolved,* That his excellency the Governor be, and he is hereby authorised to furnish the counties of De Kalb, Fayette, Henry, Pike, Mouroe, Crawford, and Bibb, with a sufficient number of the Georgia Justice for the use of said counties.

Which was read, and ordered to lie on the table.

On motion of mr. Allen, of Elbert,

*Resolved,* That John A. Heard and Thomas Jones, Esqs. be and they are hereby appointed commissioners of Elbert county academy in addition to those already appointed.

Mr. Swain laid on the table the following resolution :

*Resolved,* That no member of senate be allowed any pay while absent, except on account of sickness of himself or family.

Mr. Montgomery, of De Kalb, presented a petition from Thomas Grogan :

Which was read and referred to a committee consisting of messrs. Montgomery of De Kalb, Maxwell, and Phillips of Walton.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have appointed on their part the following committees, viz :



On the state of the republic, on finance, on agriculture and internal improvement, on public education and free schools, a military committee, on the judiciary, on the penitentiary, on enrollment, on printing, and on banks.

And he withdrew.

Mr. Sellers gives notice, that he will after this day, move for the appointment of a committee to prepare and report a bill to be entitled an act to make permanent the site of the public buildings in the county of Henry, and to incorporate the village thereof under the name of McDonough.

Mr. Wooten, from the committee appointed, reported a bill to be entitled an act for the relief of Stephen Malloy.

Which was read the first time.

A message from the house of representatives by mr. Dawson, their clerk:

*Mr. President,*

I am directed to inform the senate that the house of representatives are now ready to receive them in the representative chamber, to proceed to the election of Governor of this state agreeable to the constitution.

And he withdrew.

Whereupon the senate proceeded to the representative chamber, and being seated, proceeded by joint ballot to the election of Governor of this state agreeable to the constitution, and a joint and concurred resolution of both branches of the general assembly, and on counting out the ballots it appeared

That George M. Troup was duly elected Governor of said state.

The senate returned to their chamber—and,

Adjourned until to-morrow morning 10 o'clock.

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FRIDAY, 7th Nov. 1828.

On motion of mr. Perrien,

The honorable member from the county of Laurens had leave of leave of absence whilst sitting as a member of the board of the Ogeebee navigation company.

On motion of mr. Cook,

The honorable member from the county of Rutland leave of absence until Monday next.

On motion of mr. Berrien,

*Resolved*, That a committee be appointed by the senate to join such committee as may be appointed by the house of representatives, to wait on the Governor elect and inform him of his election, to ascertain whether he will accept the said appointment, and if so, at what time he will attend in the representative chamber for the purpose of taking the oath of office prescribed by the constitution.

Ordered, That messrs. Berrien, Gamble, and Montgomery, of Jackson, be that committee.

Mr. Montgomery, of Jackson, agreeable to notice, introduced a bill to be entitled an act to sell and dispose of the fractional parts of surveys of land, which remain unsold in the counties of Walton, Gwionett, Hall, Habersham, and Rabun.

Which was received and read the first time.

Agreeable to notice, mr. Cleveland moved for the appointment of a committee to prepare and report a bill for taking the census of the state in conformity to the constitution.

Ordered, That messrs. Cleveland, Garrison, and Phillips of Walton, be that committee.

Mr. Robison gives notice that he will, after to-day move for the appointment of a committee to prepare and report a bill to add a part of the counties of Dooly and Houston to the county of Pulaski.

Mr. Swilley gives notice that he will, after to day, move for the appointment of a committee to prepare and report a bill to divide the county of Appling.

Agreeable to notice mr. Jones, of Newton, moved for the appointment of a committee to prepare and report a bill to give further time to the fortunate drawers in the land lotteries of 1820 and 1821, to take out their grants.

Ordered, That messrs. Jones of Newton, Powell, and Lockheart, of Warren, be that committee.

Mr. Strawn called up the resolution of yesterday, authorising his excellency the Governor to furnish the counties of De Kalb, Fayette, Henry, Pike, Monroe, Crawford, and Bibb, with a sufficient number of the Georgia Justice for the use of said counties.

Which was amended and agreed to as follows :

*Resolved*, That his excellency the Governor be, and he is hereby authorised to furnish the counties of De Kalb, Henry, Fayette, Monroe, Pike, Crawford, and Bibb, with a sufficient number of Clayton's Georgia Justice and Prince's Digest, to furnish those offices entitled by law to a copy each.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have concurred in the resolution from senate appointing a committee to wait on the Governor elect, and inform him of his election, to ascertain whether he accepts the said appointment, and if so, at what time he will attend in the representative chamber for the purpose of taking the oath of office prescribed by the constitution, and have joined on their part messrs. Abercrombie, Meriwether, Thomas, of Burke, Hudson, and Law.

And he withdrew.

Mr. Miller presented a petition from sundry inhabitants of Rabun county :

Which was read and referred to the committee on agriculture and internal improvement.

Agreeable to notice, mr. Little moved for the appointment of a committee to prepare and report a bill to alter in part the time of holding the courts of ordinary in the different counties in this state.

Ordered, That messrs. Little, Allen, of Elbert, and Sheffield, be that committee.

Mr. Robinson gives notice, that he will, after this day, move for the appointment of a committee to prepare and report a bill separate and divorce Delila Garner and Richard Garner her husband.

Mr. Blackstone gives notice that he will, after to day, move to introduce a bill to be entitled an act to make permanent the site of public buildings in the county of Crawford.

Mr. Garrison gives notice, that he will after to-day, ask leave for the appointment of a committee to prepare and report a bill to be entitled an act to amend an act passed the 13th November, 1821, to make permanent the public buildings of Hall county, and to incorporate the same.

Mr. Montgomery, of De Kalb, gives notice that he will, after to-morrow, move for a committee to prepare and report a bill to make permanent the public site of the county at the town of Decatur, and incorporate the same.

Mr. Berrien, from the committee appointed to wait on the Governor elect to notify him of his election, report,

That they have performed the duty assigned to them, and that the Governor elect has replied that he accepts gratefully the office to which he has been called by his fellow-citizens, and that he will attend in the representative chamber at 12 o'clock this day to take the oath of office prescribed by the constitution.

Mr. Lampkin gives notice, that he will after to day move for the appointment of a committee to prepare and report a bill to be entitled

an act to change the site of the public buildings in the county of Dooly, and to appoint commissioners of the public buildings of said county.

Agreeable to notice, Mr. Little moved for the appointment of a committee to prepare and report a bill to be entitled an act to divorce and separate Patience Tolbert and Washington Tolbert her husband.

Ordered, That messrs. Little, Strawn, and Swain, be that committee.

Mr. Brown of Camden presented a petition of Bryan Sheffield, Which was read and referred to the committee on finance.

Mr. Walker gives notice, that he will on to-morrow, apply for a committee to be appointed to prepare a bill to be entitled an act to alter and amend an act entitled an act to authorise the inferior courts of the counties of Richmond and Jefferson to adopt such measures in relation to the roads and bridges of their counties as they may think proper, and to levy an extra tax, when in their opinion it may be necessary, for repairing and keeping in repair the said roads and bridges, passed the 18th Dec. 1818.

Agreeable to notice, Mr. Jones of Newton, moved for the appointment of a committee to prepare and report a bill to lay off additional brigades in the militia of this state.

Ordered, That messrs. Jones of Newton, Mann, Sterling, Montgomery of De Kalb, and Bullock, be that committee.

On motion of Mr. Walker,

The honorable member from Washington county had leave of absence until Monday next.

On motion of Mr. Berrien,

*Resolved*, That William C. Mills be, and he is hereby appointed a notary public for the county of Chatham.

Mr. Blackshear laid on the table the following resolution:

*Resolved*, That both branches of the general assembly convene in the representative chamber on Monday next, at hour of 12 o'clock, for the purpose of electing a Secretary of State, Treasurer, Comptroller general, and Surveyor general.

A message from the house of representatives by Mr. Dawson, their clerk:

*Mr. President*,

I am directed to inform the senate that the house of representatives are now ready to receive them in the representative chamber for the purpose of inaugurating the Governor elect.

And he withdrew.

Whereupon the senate proceeded to the chamber of the house of representatives, and being seated, the committee of arrangement conducted his excellency George M. Troup, Governor elect of this state,

Accompanied by his excellency the late Governor, to seats prepared for them between the president of the senate and speaker of the house of representatives, and the state-house and judicial officers, and members of Congress who attended him, having taken their seats, his excellency the governor elect, made an impressive, patriotic and appropriate address, and took the oath of office prescribed by the constitution of this state, and to support the constitution of the United States, administered to him by the president of the senate.

Having withdrawn with his suite,

The senate repaired to their chamber—and,

Adjourned until to-morrow morning 10 o'clock.

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*SATURDAY, 8th Nov. 1823.*

Mr. Cleveland from the committee appointed reported a bill to be entitled an act to provide for taking the census of this state as required by the constitution,

Which was received and read the first time.

On motion of mr. Powell,

The honorable member from the county of Glynn had leave of absence until Tuesday next.

Agreeable to notice, mr. Sellers moved for the appointment of a committee to prepare and report a bill to be entitled an act to make permanent the site for the public buildings in the county of Henry, and to incorporate the village thereof under the name of McDonough.

Ordered, That messrs. Sellers, Powers, and Garrison, be that committee.

Agreeable to notice, mr. Walker moved for the appointment of a committee to prepare and report a bill to be entitled an act to alter and amend an act entitled an act to authorise the inferior courts of the counties of Richmond and Jefferson, to adopt such measures in relation to the roads and bridges of their counties as they may think proper, and to levy an extra tax, when in their opinion it may be necessary, for repairing and keeping in repair the said roads and bridges, passed 18th Dec. 1818.

Ordered, That messrs. Walker, Gamble, and Baker, that committee.

Agreeable to notice mr. Welborn, moved for the appointment of a committee to prepare and report a bill to establish and make permanent the site of the public buildings of Monroe county at the town of Forsythe, and to incorporate the same.

Ordered, That messrs. Wellborn, Burney, and Sterling, be that committee.

On motion of mr. Berrien,

The honorable member from the county of Jefferson had leave of absence during the sitting of the superior court of said county.

Agreeable to notice, mr. Cleveland moved for the appointment of a committee to prepare and report a bill to amend the tax laws of the state.

Ordered, That messrs. Cleveland, Montgomery of Jackson, and Powell, be that committee.

Agreeable to notice, mr. Blackstone moved for the appointment of a committee to prepare and report a bill to be entitled an act to make permanent the site of public buildings in the county of Crawford.

Ordered, That messrs. Blackstone, Phillips of Jones, and Wooten, be that committee.

Agreeable to notice, mr. Beall moved for the appointment of a committee to prepare and report a bill to be entitled an act to amend an act entitled an act to amend the 26th section of the judiciary act, passed the 16th day of December, 1799, and also to prevent fraudulent enforcement of dormant judgments, passed the 19th day of December, 1822.

Ordered, That messrs. Beall, Cook, and Groves, be that committee.

On motion of mr. Bullock,

*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That it be recommended to the board of directors of the bank of Darien, to remove the branch of said bank from Marion to Macon, if they shall deem it inexpedient to establish one additional branch at the town of Macon.

Which was read and ordered to lie on the table.

Mr. Walker, from the committee, reported a bill to be entitled an act to alter and amend an act entitled an act to authorise the inferior courts of the counties of Richmond and Jefferson to adopt such measures in relation to the roads and bridges of their counties as they may think proper, and to levy an extra tax, when in their opinion it may be necessary, for repairing and keeping in repair the said roads and bridges, passed 18th Dec. 1818.

Which was read the first time.

Mr. Little gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to be entitled an act to divorce and separate William Scott and Mary his wife.

Mr. Strawn gives notice, that he will after to day, move for the appointment of a committee to prepare and report a bill to be entitled

an act to make permanent the site of the public buildings in the city of Fayette, and to incorporate the same.

Mr. Powell gives notice, that he will on Monday next move for appointment of a committee to prepare and report a bill to amend an act to establish a ferry over the river Altamaha at Fort Barrington, and to fix the rate of ferryage for Jersey waggons, and rate ferryage over the lagoons.

Mr. Allen of Burke, gives notice, that he will after to day, move for the appointment of a committee to prepare and report a bill to alter and change the names of Amos Stewart to that of Amos Alway, and Ann Ham to that of Ann Hamilton.

Agreeable to notice, Mr. Swilley moved for the appointment of a committee to prepare and report a bill to divide the county of 7 plings.

Ordered, That messrs. Swilley, Coffee, and Watson, be that committee.

Mr. Cleveland gives notice, that he will after to-morrow move for the appointment of a committee to take into consideration the propriety of laying off the state into seven congressional districts, and to they report by bill or otherwise.

Mr. Swilley presented a petition from sundry citizens of Apple county, which was read and referred to the committee on internal improvement.

Mr. Powers gives notice, that he will after to day, move for the appointment of a committee to prepare and report a bill to alter and amend the road laws of this state so far as respects the county of Kilmington.

The following bills were taken up, read the second time, and ordered for committee of the whole, viz:

A bill to be entitled an act for the relief of Stephen Mallory—a

A bill to be entitled an act to sell and dispose of the fractional parts of surveys of land which remain unsold in the counties of Wilton, Hall, Gwinnett, Hannersham and Rabun.

Mr. Coffee gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill incorporating the academy in Telfair county.

Agreeable to notice, Mr. Robinson moved for the appointment of a committee to prepare and report a bill to add part of the counties Dooly and Houston to the county of Pulaski.

Ordered, That messrs. Robinson, Lampkin, Mann, Joyce, and Coffee, be that committee.

Mr. Burney gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to be entitled

an act to alter and amend an act entitled an act to empower the general court of pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy, and tenancy, in common in this province, and appointing the method of proceeding therein.

Mr. Little from the committee appointed, reported,

A bill to be entitled an act to alter the time of holding the first term of the courts of ordinary in the several courts in this state in each year, which was read the first time.

On motion of mr. Phillips of Jones,

Ordered, That mr. Wellborn be added to the committee to lay off new brigades in this state.

Mr. Blackstone, from the committee appointed, reported,

A bill to be entitled an act to make permanent the site of the public buildings in the county of Crawford and town of Knoxville.

Which was read the first time.

On motion of mr. Walker,

Resolved, That Jonathan S. Beers be, and he is hereby appointed notary public for the county of Richmond.

Mr. Swilley gives notice, that he will after this day, move for the appointment of a committee to prepare and report a bill to compel the judges of the superior courts of this state to attend at their places of holding court, and also at the time appointed for holding their respective courts in the different counties, without a lawful excuse.

On motion of mr. Crawford,

Resolved That mr. Jones of Newton, be added to the joint committee on the state of the republic.

Mr. Berrien gives notice, that he will after to-day, ask leave to introduce a bill to regulate the mode of taking testimony by commission and de bene esse within this state, and to alter and amend the several laws relating thereto.

On motion of mr. Cook,

Resolved, That the military committee be instructed to enquire whether a vacancy now exists of major-general in the 3d division of the militia of this state.

The senate resolved itself into a committee of the whole on the bill to be entitled an act to sell and dispose of the fractional parts of surveys of land which remain unsold in the counties of Walton, Gwinnett, Hall, Habersham, and Rabun, mr. Wimberly in the chair.

Mr. president resumed the chair, and mr. Wimberly reported that they had gone through the bill with amendments.

Ordered, That the report do lie on the table.

Mr. Montgomery, of De Kalb, from the committee appointed, reported,



A bill to alter and amend the 2d section of the 2d article of the Constitution of Georgia,  
Which was read the first time.

The senate then adjourned until Monday morning 10 o'clock.

**MONDAY, 10th Nov. 1826.**

Mr. McKinnie gives notice, that on to-morrow, he will move for the appointment of a committee to prepare and report a bill to separate and divorce Bethenia Fullwood and Andrew Fullwood her husband.

Agreeable to notice, Mr. Powell moved for the appointment of a committee to prepare and report a bill to amend an act to establish a ferry over the river Altamaha at Fort Barrington, and to fix the rate of ferriage for Jersey waggons, and the rate of ferriage over the lagoons.

Ordered, That messrs. Powell, Sheffield, and McKinnie, be that committee.

Mr. Burney presented a petition from William Scott, Joel Wise, John R. Cargile, and Isiah Hardy,

Which was read and referred to a select committee.

Ordered, That messrs. Burney, Sterling, and Blackshear, be that committee.

Mr. Allen of Burke, gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to be entitled an act to repeal the 4th section of an act for the more effectually securing the probate of wills, limiting the time for executors to qualify and widows to make their election, passed 10th day of Dec, 1807.

Mr. Montgomery of De Kalb, presented a petition from Thomas Wagon, which was read and referred to the committee on the state of the republic.

Mr. Little, from the committee appointed, reported,

A bill to be entitled an act to divorce and separate Patience Tolbert and Washington Tolbert her husband.

Which was read the first time.

Agreeably to notice, Mr. Cleveland moved for the appointment of a committee to take into consideration the propriety of laying off the

state into seven congressional districts, and that they report by bill or other wise.

Ordered, That messrs. Cleveland, Holt, Jones of Newton, Coffee, Powell, Allen of Burke, and Harper, be that committee.

Agreeable to notice, mr. Lampkin moved for the appointment of a committee to prepare and report a bill to be entitled an act to change the site of the public buildings in the county of Dooley, and to appoint commissioners of the public buildings of said county.

Ordered, That messrs. Lampkin, Robinson, and Phillips of Jones, be that committee.

Mr. Groves gives notice, that after to-day, he will move for the appointment of a committee to prepare and report a bill to be entitled an act to incorporate the Madison county academy, and appoint trustees for the same.

A message from the house of representatives by mr. Dawson, their clerk:

*Mr. President,*

The house of representatives have passed a resolution appointing John M. Russell, William C. Wayne, Jacob Chadborn, and Edmund Maher, notaries public for the county of Chatham—and,

A resolution appointing Chesley McKenzie, Esq. a notary public for Rabun county.

To which they desired concurrence.

The house of representatives have concurred in the resolution of senate appointing William C. Mills, a notary public for the county of Chatham.

In the resolution of senate appointing John A. Heard and Thomas Jones, commissioners for the Elbert county academy—and,

In the resolution of senate authorising the Governor to furnish the counties of De Kalb, Henry, Fayette, Monroe, Pike, Crawford, and Bibb, with a sufficient number of Clayton's Georgia Justice and Prince's Digest, to furnish those officer's entitled by law to one copy each, with an amendment, to wit:

Before the last word "*each*," insert "*of*," which will make it read "one copy of each."

And he withdrew.

The senate took up the message, and concurred in the resolution of the house of representatives, appointing John M. Russell, William C. Wayne, Jacob Chadborn, and Edmund Maher, notaries public for the county of Chatham—and,

In the resolution appointing Chesley McKenzie, Esq. a notary public for Rabun county—and,

The amendment made by the house of representatives to the resolution of senate, authorising the Governor to furnish the counties of De Kalb, Henry, &c. with a sufficient number of Clayton's Georgia Justice and Prince's Digest,

Was read and concurred in:

Agreeable to notice, mr. Allen of Burke, moved for the appointment of a committee to prepare and report a bill to be entitled an act to alter and change names of Amos Stewart to that of Amos Attaway and Ann Ham to that of Ann Hamilton.

Ordered, That messrs. Allen of Burke, Lockheart of Bulloch, and Swain, be that committee.

The following communication was received from his excellency the Governor, by mr. Wood his secretary, viz :

EXECUTIVE DEPARTMENT, GEORGIA }  
Milledgeville, 8th Nov. 1823. }

I submit for the consideration of the legislature the copy of a letter this day received from the president of the steam boat company, in which a tender is made of the services of one of their boats for the improvement of the internal navigation of the state. It remains for the legislature to decide whether the state will avail itself of this offer, to what extent, and under what circumstances.

Signed,

G. M. TROUP.

Which was read, and together with the accompanying document, referred to the committee on internal improvement.

On motion of mr. Montgomery of De Kalb,

*Resolved*, That John B. Nelson, Zachariah Hollaway, Jacob R. Brooks, Joseph Morris, Joseph D. Shumate, Reuben Cone, and James Blackstock, be appointed commissioners of the academy of De Kalb county.

On motion of mr. Robinson,

*Resolved*, That Charles F. M. Betton and Ezekiel Taylor, Esqrs. be and they are hereby appointed commissioners of the academy of Putaski county, in the place of William Hawthorn and Robert Thomas, removed,

Which was read and ordered to lie on the table.

On motion,

The honorable senator from the county of Habersham, was added to the committee on internal improvements.

On motion of mr. Walker,

The honorable senator from the county of Burke was added to the committee on the judiciary.

On motion of mr. Sellers,

*Resolved*, That John Griffin, Samuel Johnson, John Wood, William L. Crayton, and Joseph Green, be and they are hereby appointed commissioners for the academy of the county of Henry.

Mr. Beall from the committee appointed, reported,

A bill to be entitled an act to amend the third section of an act entitled an act to amend the 26th section of the judiciary act passed

the 16th day of December, 1799, and also to prevent a fraudulent enforcement of dormant judgments, passed the 19th day of December, 1822, which was read the first time.

Mr. Wellborn from the committee appointed, reported,

A bill to be entitled an act to make permanent the site of the public buildings in the county of Monroe at Forsyth, and incorporate the same, which was read the first time.

Mr. Lockheart of Warren, gives notice, that after to-day, he will move for the appointment of a committee to prepare and report a bill to be entitled an act to alter and amend that part of the first section of an act passed the 11th day of February, 1799, to regulate the general elections in this state for members of the legislature and representatives to Congress.

Agreeable to notice, Mr. Strawn moved for the appointment of a committee to prepare and report a bill to be entitled an act to alter an act to make permanent the site of the public buildings in the county of Fayette, and to incorporate the same.

Ordered, That messrs. Strawn, Worthy, and McKennie, be that committee.

Agreeable to notice, Mr. Montgomery of De Kalb, moved for the appointment of a committee to prepare and report a bill to make permanent the site of the public buildings of the county at the town of Decatur.

Ordered, That messrs. Montgomery of De Kalb, Wimberly, and Maxwell, be that committee.

Mr. Bullock called up the resolution of Saturday, recommending to the board of directors of the Darien bank to remove the branch of said bank from Marion to Macon.

Mr. Blackshear proposed the following as a substitute, viz :

*Resolved*, That the committee on banks be instructed to enquire into the expediency of establishing a branch bank at the town of Macon, which was read and agreed to.

Agreeable to notice, Mr. Garrison moved for the appointment of a committee to prepare and report a bill to be entitled an act to amend an act passed the 13th of Nov. 1821, to make permanent the public buildings of Hall county, and to incorporate the same.

Ordered, That messrs. Garrison, Phillips of Walton, and Harper, be that committee.

On motion of Mr. Strawn,

*Resolved*, That Wyatt Hefling, James Head, Alexander Ware, Ephraim Pennington, Collin Alford, James F. Wafer, and William Gilleland, be appointed commissioners of the academy for the county of Fayette.

The president laid before the senate a communication from John Bozeman, military store keeper, inclosing a statement of ordnance

equipments, arms, ammunition, accoutrements, &c. remaining in the state arsenal and magazine at Milledgeville, on the 5th day of May, 1823, and an account of the same to the 1st day of November, 1823; also an account of what has been delivered and received by executive order within that time,

Which was read and referred to the military committee.

Mr. Sellers, from the committee appointed, reported,

A bill to be entitled an act to make permanent the site for the public buildings in the county of Henry, and to incorporate the same under the name of McDonough, which was read the first time.

Mr. Cleveland from the committee appointed, reported,

A bill to be entitled an act to amend the tax laws of this state; which was read the first time.

Mr. Berrien presented a petition of David Glenn,

Which was read and referred to the committee on the state of the republic.

On motion of mr. Lockheart of Warren,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of empowering the clerks of the respective superior courts in this state to adjourn the same to any time which may be directed by the judge of the said courts, in cases where from sickness or other unavoidable cause he cannot attend at the time appointed by law for holding the same, and that they have leave to report by bill or otherwise.

Which was read and agreed to.

Agreeable to notice, mr. Robinson moved for the appointment of a committee to prepare and report a bill to separate and divorce Delila Garner and Richard Garner her husband.

Ordered, That messrs. Robinson, Strawn, and Tippens, be that committee.

Agreeable to notice, mr. Coffee moved for the appointment of a committee to prepare and report a bill incorporating the academy of Terrell county.

Ordered, That messrs. Coffee, Burney, and Swain, be that committee.

The bill to be entitled an act to make permanent the public buildings in the county of Crawford and town of Knoxville,

was read the second time and ordered for a third reading.

The following bills were taken up, read the second time, and ordered for committee of the whole, viz :

A bill to be entitled an act to alter and amend the second section of the second article of the constitution of Georgia.

A bill to be entitled an act to alter the time of holding the first term of the courts of Ordinary in the several counties in this state in each year.

A bill to be entitled an act to provide for taking the census of this state, as required by the constitution—and,

The bill to be entitled an act to alter and amend an act entitled an act to authorise the inferior courts of the counties of Richmond and Jefferson, to adopt such measures in relation to roads and bridges of their counties as they may think proper, and to levy an extra tax, when in their opinion it may be necessary, for repairing and keeping in repair the said roads and bridges, passed the 18th day of December, 1818.

The senate resolved itself into a committee of the whole, on the bill to be entitled an act for the relief of Stephen Mallory, mr. Walker in the chair.

Mr. President resumed the chair, and mr. Walker reported that they had gone through the bill without amendment.

The senate took up the report, which was read, amended and agreed to.

And the bill read the third time and passed.

The senate took up the report of the committee of the whole house on the bill to be entitled an act to sell and dispose of the fractional parts of surveys of land which remain unsold in the counties of Walton, Gwinnett, Hall, Habersham and Rabun.

Which was read, amended and agreed to. ♀

And the bill read the third time and passed under the title thereof.

The president laid before senate a communication from James Bozeman, comptroller general, enclosing an account of receipts and disbursements at the treasury, during the political year 1823, and also a list of tax collectors in arrears.

Which was read, and with the accompanying enclosures referred to the committee on finance.

Agreeable to notice, mr. Powers moved for the appointment of a committee to prepare and report a bill to alter and amend the road laws of this state, so far as respects the county of Effingham.

Ordered, That messrs. Powers, Bonner, and Harper, be that committee.

The senate adjourned until to morrow morning, 10 o'clock.

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*TUESDAY, 11th Nov. 1823.*

Mr. Powell from the committee appointed, reported

A bill to be entitled an act to establish a ferry over the river Alamaha at Fort Barrington, and to fix the rate of ferriage for Jersey wagons and lagoon ferriage at said ferry, which was read the first time.

SEN.

Mr Crawford laid before senate a report of the treasurer which was read, and with the accompanying document referred to the committee on finance.

Mr. Sellers, from the committee appointed, reported

A bill to be entitled an act to prevent obstructions to the passage of fish in the Ocmulgee river and its branches, passed the 25th December 1821, which was read the first time.

Agreeable to notice, Mr. McKinne moved for the appointment of a committee to prepare and report a bill to separate and divorce Bethe-  
nia Fulwood and Andrew Fulwood her husband.

Ordered that messrs, McKinne, Lampkin and Strawn be that committee.

On motion of mr. Crawford,

*Resolved*, That the judiciary be instructed to enquire into the expediency of passing a law to compel sheriffs to deliver possession of real estate sold by them under executions to the purchaser of the same, his or her agent, and that they report by bill or otherwise.

Mr. Allen of Burk, from the committee appointed, reported

A bill to be entitled an act to alter and change the names of Amos Stewart to that of Amos Attaway, and Ann Ham to that of Ann Hamilton, which was read the first time.

Mr. Sheffield, from the committee appointed, reported

A bill to be entitled an act to remove the court-house or the site of the buildings in the county of Wayne, which was read the first time.

Mr. Crawford laid on the table a resolution that the printing committee contract for printing five hundred copies of the treasurer's report, for the use of the members of both branches of the legislature.

Agreeable to notice, mr. Little, moved for the appointment of a committee to prepare and report a bill to be entitled an act to divorce and separate William Scott and Mary his wife.

Ordered, That messrs. Little, Allen of Elbert and Sheffield be that committee.

On motion of mr. Lockhart of Bulloch,

*Resolved*, That James Ralls be and he is hereby appointed notary public for the county of Bulloch.

Mr. Maxwell gives notice that he will, after to day, move for the appointment of a committee to prepare and report a bill explanatory of a part of the ninth section of a law passed on the twenty-first of December 1821, establishing a turnpike over Ogeechee causeway in Bryan county.

On motion of mr. Holt,

*Resolved*, That the joint committee on the penitentiary be and they are hereby directed to call on the inspectors and principal keep-

er of the penitentiary for such papers and accounts as they may have to communicate with regard to the business of the institution during the political year 1823.

On motion of mr. Sellers,

*Resolved*, That the honorable gentleman from the county of Madison be added to the select committee to whom was referred the petition from sundry citizens of the county of Newton.

On motion of mr. Holt,

*Resolved*, That the joint committee on printing be authorised and required to contract for the printing of the laws and journals of the present session and all other papers that may be ordered during the present session or by either branch of the legislature.

Mr. Sheffield gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to alter and amend the eighteenth section of the estray law of this state so far as respects the counties of Wayne, Camden and Glynn.

Mr. Lockhart of Warren moved for a committee to be appointed to prepare and report a bill to alter and amend that part of the first section of an act passed the eleventh of February, 1799, to regulate the general elections in this state for members of the state legislature and for representatives to congress.

Ordered, that messrs. Lockhart of Warren, Philips of Jones, and Baker be that committee.

Agreeable to notice mr. Allen of Burk, moved for the appointment of a committee to prepare and report a bill to be entitled an act to repeal the fourth section of an act for the more effectually securing the probate of wills, limiting the time for executors to qualify and widows to make their election, passed 10th December 1807

Ordered, that messrs. Allen of Burk, Crawford, and Montgomery be that committee.

Mr. Jones of Newton, from the committee appointed reported

A bill to be entitled an act to amend and continue an act entitled an act to extend the time for fortunate drawers in the land lottery of 1820, to take out their grants, which was read the first time.

On motion of mr. Montgomery of Jackson,

*Resolved*, That the committee on printing be and they are requested to take into consideration the propriety of reducing the number of the copies of the journals of the two branches of the legislature which has been heretofore contracted for.

On motion,

Ordered, that the honourable gentlemen from the counties of Bibb, Jones, Laurens and Twiggs be added to the committee on banks.

The senate resolved itself into committee of the whole on the bill to be entitled an act to alter the time of holding the first term of the



reports of ordinary in the several counties in each year, Mr. Powell in the chair.

The president resumed the chair, and Mr. Powell from the committee reported progress, and had leave to sit again.

The senate resolved itself into committee of the whole on the bill to be entitled an act to alter and amend the second section of the second article of the constitution of the state of Georgia, Mr. Montgomery of Jackson in the chair.

The president resumed the chair, and Mr. Montgomery from the committee reported progress and had leave to sit again.

The senate resolved itself into committee of the whole on the bill to be entitled an act to alter and amend an act entitled an act to authorise the Inferior courts of the counties of Richmond and Jefferson to adopt such measures in relation to roads and bridges of their counties as they may think proper, and to lay an extra tax for the same, Mr. Maxwell in the chair.

The president resumed the chair and Mr. Maxwell from the committee reported progress and had leave to sit again.

The senate resolved itself into committee of the whole on the bill to be entitled an act to provide for taking the census for this state, as required by the constitution, Mr. Cook in the chair.

The president resumed the chair and Mr. Cook from the committee reported that they had gone through the bill, with amendments.

Ordered, that the report lie on the table.

The bill to be entitled an act to make permanent the site for the public buildings in the county of Henry and to incorporate the village thereof under the name of McDonough was read the second time and ordered for committee of the whole.

The bill to be entitled an act to make permanent the site for the public buildings in the county of Monroe at Forsyth and incorporate the same.

Was read the second time and ordered for committee of the whole.

The bill to be entitled an act to amend the tax laws of this state, was read the second time, and ordered for committee of the whole.

The bill to be entitled an act to divorce and separate Patience Talbot and Washington Talbot her husband.

Was read the second time, and ordered for committee of the whole.

The bill to be entitled an act to amend the third section of an act entitled an act to amend the twenty-fourth section of the judiciary act passed the sixteenth day of December, 1799, and also to prevent a fraudulent enforcement of judgment judgments, passed the nineteenth December, 1829.

Was read the second time, and ordered for committee of the whole.

On motion of Mr. Swain,

*Resolved*, That William Moon, Charles Jenkins, John Chason, Isaac Ferguson, Calneath Swain, be and they are hereby appointed commissioners for the academy of Emanuel county.

*And be it further resolved*, That William Johnson, James Wallace, John Love, George D. Kie, Reuben Thompson, be and they are hereby appointed trustees for the same.

Mr. Montgomery of Jackson presented a memorial of the commissioners of the counties of Jackson, Morgan, Elbert, Montgomery, Clark, Scriven, Laurens, Bulloch, Putnam, and Tatnall.

Which was read and referred to the committee on public education and free schools.

Mr. Mangham gives notice, that he will after to-day move for the appointment of a committee to prepare and report a bill to authorise the board of commissioners of the public roads in the county of Glynn to establish and open a new road across the Big Buffalo, and to appropriate any surplus funds arising from said roads to the improvement of the water passage between Brunswick and Darien.

Mr. M. Kinnee, from the committee appointed, reported

A bill to be entitled an act to separate and divorce Bethenia Fulwood and Andrew Fulwood her husband, which was read the first time.

Mr. Berrien presented a petition from Eleazer Early and his associates, which was received read and referred to a select committee consisting of messrs. Berrien, Walker, Cook, Blackshear and Barnett.

Mr. Garrison gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to vest the commissioners of Hall county academy with power to dispose of one half of lot No. 48 in the tenth district of Hall county, returned and proven to be a fraudulent draw.

A bill to be entitled an act to make permanent the site for the public buildings in the county of Crawford and town of Knoxville.

Was read the third time and passed.

Agreeable to notice Mr. Groves moved for the appointment of a committee to prepare and report a bill to be entitled an act to incorporate the Madison county academy and appoint trustees for the same.

Ordered, that messrs. Groves, Cook, and Montgomery of Jackson be that committee.

The senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, 12th Nov. 1823.

On motion of mr. Crawford,

The senate reconsidered the journal of yesterday, so far as respects the resolution authorising the printing of 500 copies of the Treasurer's report.

Ordered, That the resolution lie on the table.

On motion of mr. Powell,

Whereas, it is desirable to ascertain the wishes of the citizens of the citizens of this state, as to the mode of choosing electors of president and vice president of the United States.

*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it shall be the duty of the magistrates who shall preside at the several elections, to be held in the different counties of this state, for the choice of members of the legislature, at the next general election therein, to propose to each and every voter at the time of receiving his vote, whether he desires that the choice of said electors shall be confided to the people or retained by the legislature, and to request such voter to signify such desire by endorsing on his ticket the word *People* or *Legislature*, according to the truth of the fact; and on counting out the ballots to annex to the return of the said election, by them so transmitted to the executive department, a true statement of the votes so given, to the end that the same may be laid before the next legislature by his excellency the Governor.*

*And be it further resolved, That his excellency the Governor be, and he is hereby requested to cause this resolution to be published without delay, in the several gazettes of this state, and to continue the said publication once a month until the next general election.*

Which was read and agreed to unanimously.

Mr. Allen, of Elbert, gives notice that he will after to-day, move for the appointment of a committee to prepare and report a bill to be entitled an act to incorporate Eudisco academy in the county of Elbert.

Mr. Montgomery, of De Kalb, from the committee appointed, reported,

A bill to be entitled an act to make permanent the site of the public buildings for the county of De Kalb, and to incorporate the same.

Which was read the first time.

On motion of mr. Cook,

*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the commissioners appointed by the last legislature to sell the fractional surveys, be authorised and required to expose to sale all the fractional surveys lying in the county of Walton, which was in the ninth district formerly Henry county, and also all islands which have been surveyed lying in*

**Stint river :** *Provided*, Said fractions and islands shall be advertised and sold upon the same terms and conditions as the fractional surveys authorised to be sold by an act passed at the last session of the legislature.

Which was read and ordered to lie on the table.

Mr. Powers, from the committee appointed, reported,

A bill to be entitled an act to amend the road laws of this state, so far as respects the county of Effingham, which was read the first time.

Mr. Bonner gives notice that he will after to-day, move for the appointment of a committee to prepare and report a bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved by the land lottery act, passed 15th Dec. 1818, for the education of poor children.

Agreeable to notice, Mr. Maxwell moved for the appointment of a committee to prepare and report a bill explanatory of a part of the 9th section of a law passed on the 21st December, 1821, establishing a turnpike over Ogeechee causeway in Bryan county.

Ordered, That messrs. Maxwell, Berrien, and Baker, be that committee.

Mr. Welborn from the committee appointed, reported

A bill to be entitled an act for laying out and forming new brigades in the militia of this state, which was read the first time.

On motion of Mr. Powers,

*Resolved*, That the joint judiciary committee be and they are hereby required to take into consideration the propriety of abolishing the penitentiary system, and bringing into operation a code of penal laws necessary to supply its place, and that they report with the least possible delay by bill or otherwise.

Mr. Bell gives notice that after to-day, he will apply for the appointment of a committee to prepare and report a bill to be entitled an act to give justices of the peace jurisdiction in cases sounding in damages not exceeding thirty dollars.

Mr. Little, from the committee appointed, reported

A bill to be entitled an act to separate and divorce William Scott and Mary his wife, which was read the first time.

A message from the house of representatives by Mr. Dawson, their clerk.

*Mr. President,*

The house of representatives have agreed to a resolution confirming the executive appointment of Anson Kimberly, Esq. as a commissioner of pilotage for the port of Darien.

To a resolution confirming the executive appointment of Anson Kimberly, Esq. as a commissioner for the river Alatomaha.

To a resolution confirming the executive appointment of Doct. Charles West as a commissioner for the river Alatomaha.

To a resolution appointing commissioners for the Wilkinson county academy in lieu of those heretofore appointed—and,

To a resolution appointing notaries public for the county of McIntosh.

To which they desire concurrence.

They have passed the following bills, viz :

An act to revise, amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants.

The bill to be entitled an act to extend the time to fortunate drawers in the land lottery by the authority of an act passed the 15th day of May, in the year 1821, entitled an act to dispose and distribute the lands lately acquired by the United States, for the use of Georgia, of the Creek Indians, &c. and also to extend the time of fortunate draws in the land lottery by authority of an act passed on the 15th day of December, 1818, entitled an act to dispose of and distribute the late cession of land obtained from the Creek and Cherokee nations of Indians, by the United States, &c. and also reduce the fees upon the grants.

The bill to be entitled an act to authorise any person or persons, citizens of this state, to take out and receive in his or their own name or names, grant or grants for any fractional lot or lots of land in the county of Wilkinson that remain unsold, on the payment of ten dollars on each grant.

The bill to be entitled an act to compel the slaves on St. Simons and Jekyll to work the road on St. Simons, and such cuts through the marsh as the commissioners hereafter named or a majority of them may direct to be laid out.

And he withdrew.

The following bills were taken up, read the second time, and ordered for a third reading, viz.

A bill to be entitled an act to remove the site of the public buildings in the county of Wayne—and,

A bill to be entitled an act to amend an act to establish a ferry at Fort Barrington, and to fix the rate of ferriage for Jersey waggons and lagoon ferriage at said ferry.

The following bills were taken up, read the second time and ordered for committee of the whole, viz :

A bill to be entitled an act to separate and divorce Bethenia Fulwood, and Andrew Fulwood her husband.

A bill to be entitled an act to amend and continue an act entitled an act to extend the time for fortunate draws in the land lottery of 1822, to take out their grants, passed the 19th day of December, 1822.

A bill to be entitled an act to alter and amend an act entitled an act to prevent obstruction to the passage of fish in the Ocmulgee river and its branches.

A bill to be entitled an act to alter and change the names of Amos Stewart to that of Amos Attaway, and Ann Ham to that of Ann Hamilton.

The senate resolved itself into a committee of the whole, on the bill to be entitled an act to make permanent the site of the public buildings in the county of Henry, and to incorporate the village thereof under the name of McDonough, mr. Montgomery, of Jackson, in the chair.

Mr. president resumed the chair, and mr. Montgomery, from the committee, reported the bill with an amendment.

The senate took up the report, which was read and agreed to.

And the bill read the third time and passed.

The senate resolved itself into a committee of the whole, on the bill to be entitled an act to make permanent the site of the public buildings in the county of Monroe at Forsyth and incorporate the same, mr. Beall in the chair.

The president resumed the chair, and mr. Beall from the committee reported the bill without amendment.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to amend the tax laws of this state, mr. Groves in the chair.

The president resumed the chair, and mr. Groves reported progress and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to divorce and separate Patience Tolbert and Washington Tolbert her husband, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported progress and had leave to sit again,

The senate resolved itself into committee of the whole, on the bill to be entitled an act to amend an act entitled an act to amend the 26th section of judiciary act passed the 16th day of Dec. 1799, and also to prevent a fraudulent enforcement of dormant judgments, passed 19th of December, 1822, mr. Powell in the chair.

The president resumed the chair, and mr. Powell from the committee, reported progress and had leave to sit again.

The senate again resolved itself into committee of the whole, on the bill to be entitled an act to alter the times of holding the first term of the courts of Ordinary in the several counties in this state, mr. Wooten in the chair.

The president resumed the chair, and mr. Wooten from the committee, reported the bill with amendments.

The senate took up the report, which was read, and

On motion of mr. Montgomery, of Jackson,

Ordered, that the bill be re-committed to a select committee, consisting of messrs. Montgomery of Jackson, Powell and Little.

The senate took up the report of the committee of the whole, on the bill to be entitled an act to provide for taking the census of this state, as required by the constitution, which was read, amended and agreed to.

And the bill read the third time and passed under the title thereof.

The senate took up the message from the house of representatives and concurred in the resolution confirming the executive appointment of Anson Kimberly, Esq. as a commissioner for the river Ataramaha.

In the resolution confirming the executive appointment of Anson Kimberly, Esq. as a commissioner of pilotage for the port of Darien.

In the resolution confirming the executive appointment of Doctor Charles West, as a commissioner for the river Ataramaha.

In the resolution appointing commissioners for the Wilkinson county academy in lieu of those heretofore appointed—and,

In the resolution appointing Alexander W. W. W. W., Jacob Rothenbaugh, and Byard E. Hand, notaries public for the county of McIntosh.

The several bills contained in said message were read the first time.

On motion of Mr. Mann,

*Resolved*, That Howell Cobb, Wilson Collins, Michael Watson, Charles F. Patillo, and James Hobbs, Sr. be appointed commissioners of the Houston county academy.

On motion of Mr. Watson,

*Resolved*, That there be a committee appointed to examine the engrossed journals of the senate for the present session.

*Ordered*, That messrs. Watson, Bonner, and Coffee, be that committee.

Agreeable to notice, Mr. Sheffield moved for the appointment of a committee to prepare and report a bill to alter and amend the 18th section of the estray laws of this state, so far as respects the county of Wayne, Camden, and Glynn.

*Ordered*, That messrs. Sheffield, Brown of Camden, and Mangham, be that committee.

On motion of Mr. Brown, of Camden,

*Resolved*, That John Bailly, Esq. be and he is hereby appointed a notary public for the county of Camden, and town of Jefferson.

Agreeable to notice, Mr. Berrien reported a bill to be entitled an act to regulate the mode of taking testimony by commission and de bene esse within this state, and to alter and amend the several laws relating thereto.

Agreeable to notice, Mr. Mangham moved for the appointment of a committee to prepare and report a bill to authorise the board of commissioners of the public roads in the county of Glynn to establish and open a new road across the Big Buffalo, and to appropriate any surplus funds arising from said roads to the improvement of the water passage between Brunswick and Darien.

Ordered, That messrs. Mangham, Strawn, and Robinson, be that committee.

The senate adjourned until to-morrow morning 10 o'clock.

*THURSDAY, 13th Nov. 1828.*

On motion of mr. Lockheart of Bulloch,

To reconsider the Journal of yesterday so far as respects the agreement of senate to the resolution authorising the presiding Justices at the next General elections to take the sense of the people of this state on the propriety of electing electors of President and Vice President of the United States.

And on the question to reconsider it was determined in the negative.

And the yeas and nays being required are, yeas 22, nays 33.

Those in the affirmative are,

Messrs.

Blackstone	Lamkin	Swain
Bonner	Lockheart of Bulloch	Swilley
Burney	Phillips of Jones	Walker
Cleveland	Phillips of Walton	Watson
Coffee	Robinson	Worthy
Garrison	Sellers	Wilborn
Glenn	Strawn	Wooten
Joice		

Those who voted in the negative are,

Messrs.

Allen of Burke	Crawford	McKinne
Allen of Elbert	Groves	McCrimmon
Baker	Harper	Miller
Barnett	Holt	Montgomery of DeKalb
Beall	Jones of Baldwin	Montgomery of Jackson
Blackshear	Jones of Newton	Powell
Berrien	Little	Powers
Brown of Camden	Lockheart of Warren	Sheffield
Brown of Hancock	Mangham	Sterling
Bullock	Manu	Tippins
Cook	Maxwell	Wimberly



Mr. Swain called up the following resolution.

*Resolved*, That no member of the senate be allowed any pay while absent except on account of sickness of himself or family, which was read—and

On motion of mr. Crawford,

That the resolution lie on the table the balance of the session, it was determined in the affirmative.

And the yeas and nays being required are—yeas 56, nays 16.

Those in the affirmative are,

Messrs.

Allen of Burke	Cook	Miller
Baker	Crawford	Montgomery of DeKalb
Barnett	Groves	Montgomery of Jackson
Beall	Harper	Phillips of Jones
Blackshear	Jones of Newton	Powell
Blackstone	Joice	Powers
Berrien	Little	Sterling
Bonner	Lockheart of Warren	Walker
Brown of Hancock	Mangham	Watson
Bullock	Mann	Wilborn
Burney	Maxwell	Wimberly
Cleveland	McKinne	Wooten

Those who voted in the negative, are

Messrs.

Brown of Camden	Lockheart of Bulloch	Sheffield
Coffee	McCrimmon	Swain
Garrison	Phillips of Walton	Swilley
Glenn	Robinson	Tippins
Holt	Sellers	Worthy
Lamkin		

Mr. Powell presented a petition from Samuel Owings which was read and referred to a select committee, consisting of messrs. Powell, Walker and Wooten.

The president laid before the senate a letter from Gen. Daniel Newman, which was read and referred to the joint military committee.

Mr. Maxwell, from the committee appointed, reported

A bill to be entitled an act explanatory of a part of the 14th section of an act passed on the 21st December 1821, to establish a turnpike over Ogeechee causeway in Bryan county, which was read the first time.

Mr. Powell, from the committee appointed, reported

A bill to be entitled an act to change the names of certain persons therein named, which was read the first time.

Mr. Jones of Newton gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to vest the title of such lots of land as have or may be declared fraudulent by

judgment of court, in the commissioners of the different county academies in which they lie, to be appropriated to the use of said academies, and to continue in force an act for the partitioning of the same, passed the seventh day of December 1821.

Mr. Montgomery of Jackson from the committee to whom was re-committed the bill to be entitled an act to alter the time of holding the first term of the courts of ordinary in the several counties of the state, reported

A bill to be entitled an act to alter the times of holding the first term of the courts of ordinary in the counties of Elbert, Oglethorpe, Wilkinson, Laurens, Chatham, Morgan, Bibb, Jasper, Habersham, Clark, Columbia, Jefferson, Hall, Madison, Lincoln, Putnam, Baldwin, Newton, Franklin, Glynn, Houston, Montgomery, Rabun, DeKalb, Jackson, Jones, Walton, McIntosh, Henry, Pike, Fayette, Gwinnett, and Twiggs, which was received and read the first time.

Mr. Lockhart of Warren from the committee appointed reported

A bill to be entitled an act to alter and amend an act to be entitled an act to regulate the general elections in this state and to appoint the time of the meeting of the general assembly, passed 11th of February 1799, so far as to change the time of holding the same, which was read the first time.

Mr. Miller, from the committee appointed, reported

A bill to be entitled an act to make permanent the site of the public buildings in Rabun county and to name and incorporate the same, which was read the first time.

Mr. Robinson, from the committee appointed, reported

A bill to be entitled an act to divorce and separate Delitha Garner and Richard Garner her husband, which was read the first time.

On motion of Mr. Berrien,

*Resolved*, That the joint committee on the penitentiary be instructed to enquire into the expediency of introducing the Tread-mill into the penitentiary of this state, and that they have leave to report by bill or otherwise.

Mr. Burney gives notice, that after to day, he will move for the appointment of a committee to prepare and report a bill to be entitled an act to separate and divorce Sarah Heard and Stephen G. Heard her husband.

The following bills were read the second time, and ordered for a third reading, viz. :

A bill to be entitled an act to amend the road laws of this state so far as respects the county of Effingham,—and

A bill to be entitled an act to compel the slaves on the islands of St. Simons and Jekyll to work the road on St. Simons, and to cut such cuts through the marsh from Frederica to the Hogcraw, and such other cuts as the commissioners therein named may direct to be cut.

The following bills were taken up, read the second time and ordered for committee of the whole, viz. :

A bill to be entitled an act for the laying off and forming new brigades in the militia of this state.

A bill to be entitled and act to separate and divorce William Scott and Mary his wife.

A bill to be entitled an act to regulate the mode of taking testimony by commission and de bene esse within this state and to alter and amend the several laws relating thereto.

A bill to be entitled an act to make permanent the site of the public buildings for the county of De Kalb and incorporate the village thereof,—and

A bill to be entitled an act to extend the time to fortunate drawers in the land lottery by the authority of the act passed on the 15th day of May in the year 1821, entitled an act to dispose of and distribute the lands lately acquired by the United States for the use of Georgia, of the Creek Indians, &c. and also to continue the time for fortunate drawers in the land lottery by the authority of an act passed on the 15th day of December 1818, entitled an act to dispose of and distribute the late cession of land obtained from the Creek and Cherokee nation of Indians by the United States, &c. and also to reduce the fees upon the grants.

A bill to be entitled an act to authorise any person or persons, citizens of this state, to take out and receive in his her or their own name or names, grant or grants for any fractional lot or lots of land in the county of Wilkinson that remain unsold, on the payment of ten dollars on each grant,—and

A bill to be entitled and an act to revise, amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to a resolution appointing Westley B. Thomas and Charles Carter, Esqrs. notaries public for the counties of Richmond

To which they desire concurrence.

They have also passed the following bills, viz. :

A bill to be entitled an act to admit Edward P. Postell to plead and practice in the several courts of law and equity in this state.

A bill to be entitled an act to make permanent the site of the public buildings at the village of Clarksville in the county of Habersham and to incorporate the same.

A bill to be entitled an act to make permanent the site of the public buildings of Houston county and to incorporate the same.

A bill to be entitled an act to authorise the justices of the Inferior court of Glynn county to levy an extra tax.

A bill to be entitled an act to incorporate the Walthourville academy in the county of Liberty and to appoint commissioners of the same.

A bill to be entitled an act to incorporate the trustees of the public cemetery of the village of Summerville.

A bill to be entitled an act to appoint trustees of the Clark county academy and to incorporate the same.

A bill to be entitled an act to add to the name of Stephen Lacoste Harris of Chatham county,

A bill to be entitled an act to establish a ferry on the river Alatamaha at Fort Barrington, and to fix the rate of ferriage for Jersey wagons and lagoon ferriage at said ferry, was read the third time and passed.

A bill for the relief of the citizens of the county of Wayne, was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to alter and change the names of Amos Stewart to that of Amos Ataway and that of Ann Ham to that of Ann Hamilton, mr. Walker in the chair

The president resumed the chair, and mr. Walker from the committee reported that they had gone through the bill with an amendment.

The senate took up and agreed to the report, and amended the caption of the bill, by adding thereto the words "and that of William Davis to that of William Sheffield."

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on a bill to be entitled an act to prevent obstruction to the passage of fish in the Ocmulgee river and its branches, mr. Baker in the chair.

The president resumed the chair, and mr. Baker from the committee reported they had gone through the bill without amendments.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to separate and divorce Bethenia Fulwood and Andrew Fulwood her husband, mr. Phillips of Jones, in the chair.

The president resumed the chair, and mr. Phillips reported they had gone through the bill without amendment.

The senate took up and agreed to the report.

The bill was read the third time.

And on the question 'shall this bill now pass?' it was determined in the affirmative.

The yeas and nays being required are—yeas 36, nays 15.

Those who voted in the affirmative are,

Messrs.

Allen of Elbert

Beall

Brown of Hancock

Baker

Bonner

Burney

Barnett

Brown of Camden

Coffee

<b>Crawford</b>	<b>McKinnie</b>	<b>Swain</b>
<b>Groves</b>	<b>McCrimmon</b>	<b>Swilley</b>
<b>Helt</b>	<b>Montgomery of DeKalb</b>	<b>Tippins</b>
<b>Jones of Newton</b>	<b>Phillips of Jones</b>	<b>Walker</b>
<b>Jaice</b>	<b>Powell</b>	<b>Watson</b>
<b>Lampkin</b>	<b>Powers</b>	<b>Worthy</b>
<b>Lockhart of Bulloch</b>	<b>Robinson</b>	<b>Wilborn</b>
<b>Mangham</b>	<b>Sterling</b>	<b>Wimberly</b>
<b>Mann</b>	<b>Strawn</b>	<b>Wooten</b>

Those in the negative are,  
Messrs.

<b>Allen of Burk</b>	<b>Cook</b>	<b>Maxwell</b>
<b>Blackshear</b>	<b>Garrison</b>	<b>Miller</b>
<b>Blackstone</b>	<b>Glenn</b>	<b>Montgomery of Jackson</b>
<b>Berrien</b>	<b>Little</b>	<b>Sellers</b>
<b>Cleveland</b>	<b>Lockhart of Warren</b>	<b>Sheffield</b>

The senate resolved itself into a committee of the whole on the bill to be entitled an act to amend the third section of an act entitled an act to amend the 26th section of the Judiciary act, passed the 16th day of December, 1799, and also to prevent a fraudulent enforcement of dormant judgments, passed the 19th day of December, 1822, mr. Powell in the chair.

The president resumed the chair, and mr. Powell from the committee reported progress, and had leave to sit again.

Mr. Mangham, from the committee appointed reported

A bill to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county, which was read the first time.

Mr. Swain reported, instantler, a bill to be entitled an act to authorise the judges of the Inferior court of Emanuel county, to make rights and titles to the old court house and jail, which was read the first time.

Mr. Allen, of Elbert, agreeable to notice, moved for the appointment of a committee to prepare and report a bill to be entitled an act to incorporate Eudisco academy in the county of Elbert.

Ordered, That messrs. Allen of Elbert, Little, and Barnett, be that committee.

Mr. Groves, from the joint committee on printing, reported as follows:

That they have contracted with Camak & Ragland for the printing of the laws and journals of the present session of the Legislature, on the same terms that they were printed the last session, and also such other printing as may be ordered during the present session, on the same terms as it was done last session, which was read and agreed to.

Agreeable to notice, mr. Bonner moved for the appointment of a committee to prepare and report a bill to be entitled an act to sell and

dispose of lots Nos. 10 and 100, reserved by the land lottery act passed 15 h Dec. 1818, for the education of poor children.

Ordered, That messrs. Bonner, Berrien, and Watson, be that committee.

Mr. Crawford called up the resolution authorising the printing committee to contract for the printing of 500 copies of the Treasurer's report, for the use of the members of both branches of the legislature.

Which was amended by inserting *three hundred* in lieu thereof, and agreed to as amended.

On motion of mr. Powers,

*Resolved*, That the joint judiciary committee be and they are hereby required to take into consideration the propriety of introducing a bill more particularly to define the time and place for recording mortgages, deeds of conveyance and bills of sale, and to prevent the fraudulent transfer of property, and that they report by bill or otherwise.

On motion of mr. Blackshear,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of reporting a bill to prevent the repeated running away of slaves under aggravated circumstances, with death or such other punishment as the court or jury may think best calculated to prevent the pernicious practice.

Mr. Holt presented a petition from William Favour, sen'r. which was read and referred to a select committee, consisting of messrs. Holt, Barnett, and Montgomery of Jackson,

Mr. Berrien gives notice that he will after to day, ask leave to introduce a bill to be entitled an act to authorise the enforcement of the patrol law in the city of Savannah on certain conditions therein specified.

And also for leave to introduce a bill to be entitled an act to authorise the Chatham artillery company to recruit by the admission of members residing in any part of the brigade to which it is attached.

On motion of mr. Walker,

The honorable member from the county of Bullock, was added to the committee on public education and free schools.

The senate took up the message from the house of representatives, and concurred in the resolution appointing westly B. Thomas and Charles Carter, Esqrs. notaries public for the county of Richmond.

And the several bills contained therein were read the first time.

Mr. Blackshear called up the following resolution :

*Resolved*, That both branches of the General Assembly do convene in the representative chamber on Monday next at 12 o'clock A. M. for the purpose of electing a secretary of state, treasurer, comptroller general and surveyor general.

Which was amended to read as follows:

SEN.

*Resolved*, That both branches of the General Assembly do convene in the representative chamber on Saturday the 23<sup>d</sup> inst. at 10 o'clock A. M. for the purpose of electing a secretary of state, treasurer, comptroller general, and surveyor general.

Which was read and agreed to.

Agreeable to notice, Mr. Garrison moved for the appointment of a committee to report a bill to vest the commissioners of Hall county academy with power to dispose of one half of lot No. 48, in the 13<sup>d</sup> district of Hall county, returned and proven to be fraudulently drawn.

Ordered, That messrs. Garrison, Montgomery of Jackson, and Cleveland, be that committee.

Mr. Sheffield from the committee appointed, reported

A bill to be entitled an act to alter and amend a part of the 18<sup>th</sup> section of the estray law of this state, so far as respects the counties of Wayne, Camden and Glynn, which was read the first time.

Agreeable to notice, Mr. Swilley moved for the appointment of a committee to prepare and report a bill to compel the judges of the Superior courts of this state to attend at their places of holding their courts, and also at the time appointed for holding their respective courts in the different counties without a lawful excuse.

Whereupon Mr. Blackbear moved that the appointment of a committee be refused, which was agreed to.

Agreeable to notice, Mr. Beall moved for the appointment of a committee to prepare and report a bill to be entitled an act to give justices of the peace jurisdiction in cases sounding in damages not exceeding thirty dollars.

Ordered, That messrs. Beall, Coffee, and Groves, be that committee.

On motion of Mr. Sterling,

*Resolved* That Springer Gibson, Edward Holloway, James Whatley, Hight & Johnson, and Thomas Schree, be and they are hereby appointed the commissioners of the academy of Pike county.

The senate adjourned until to-morrow morning 10 o'clock.

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FRIDAY, 14<sup>th</sup> Nov. 1823.

On motion of Mr. Powell,

The honorable member from the county of Twiggs had leave of absence until Monday next.

The following bills were read the second time, and ordered for a third reading, viz :

A bill to be entitled an act to change the names of certain persons therein named

A bill to be entitled an act to make permanent the site of the public buildings in Rabun county, and to name the same.

A bill to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county

A bill to be entitled an act to authorise the justices of the Inferior court of Emanuel county to make rights and titles to the old court-house and jail in said county.

A bill to be entitled an act to admit Edward P. Postell to plead and practice in the several courts of law and equity in this state.

A bill to be entitled an act to make permanent the site of the public buildings at the village of Clarksville in the county of Habersham, and to incorporate the same.

A bill to be entitled an act to authorise the justices of the Inferior court of Glynn county, to levy an extra tax.

A bill to be entitled an act to make permanent the site the of public buildings of Houston county, and to name the same.

A bill to be entitled an act to incorporate the trustees of the public cemetery of the village of Summerville.

A bill to be entitled an act to appoint trustees of the Clark county academy, and to incorporate the same.

A bill to be entitled an act to add to the name of Stephen Lacoste Harris of Chatham county—and,

A bill to be entitled an act to incorporate the Walthourville academy in the county of Liberty, and to appoint commissioners for the same.

The following bills were severally read the second time and ordered for committee of the whole :

A bill to be entitled an act to alter the time of holding the first term of the courts of ordinary in the counties of Elbert, Oglethorpe, Wilkinson, Laurens, Chatham, Morgan, Bibb, Jasper, Habersham, Clark, Columbia, Jefferson, Hall, Madison, Lincoln, Putnam, Baldwin, Newton, Franklin, Glynn, Houston, Montgomery, Rabun, De Kalb, Jackson, Jones, Walton, McIntosh, Henry, Pike, Fayette, Gwinnett, and Twiggs.

A bill to be entitled an act explanatory of a part of the 9th section of an act passed on the 21st Dec. 1821, to establish a turnpike over Ogeechee causeway in Bryan county.

A bill to be entitled an act to alter and amend an act entitled an act to regulate the general elections in this state and to appoint the time of meeting of the general assembly, passed 11th February, 1799, so far as to change the time of holding the same.

A bill to be entitled an act to amend a part of the 18th section of the estray law of this state, so far as respects the counties of Wayne, Camden, and Glynn—and,

A bill to be entitled an act to divorce and separate Delitha Garner and Richard her husband.



The following bills were severally read the third time and passed, viz :

A bill to be entitled an act to compel the slaves on the island of St. Simons and Jekyll to work the road on St. Simons, and to cut such cuts through the marsh from Frederica to the Hog-crawl, and such other cuts as the commissioners herein named may direct to be cut—and,

A bill to be entitled an act to amend the road laws of this state, so far as respects the county of Effingham.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to authorise any person or persons, citizens of this state, to take out and receive in his, her or their own name or names, grant or grants for any fractional lot or lots of land in the county of Wilkinson, that remain unsold, on the payment of ten dollars on each grant, Mr. Coffee in the chair.

The president resumed the chair, and Mr. Coffee reported that they had gone through the bill without amendments.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to make permanent the site of the public buildings in the county of De Kalb, and to incorporate the same, Mr. Blackshear in the chair.

The president resumed the chair, and Mr. Blackshear reported they had gone through the bill with amendments.

The senate took up the report of the committee which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to regulate the mode of taking testimony by commission and de bene esse within this state, and to alter and amend the several laws relating thereto, Mr. Crawford in the chair.

The president resumed the chair, and Mr. Crawford reported they had gone through the bill without amendments.

The senate took up the report of the committee, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act for the laying out and forming new brigades in the militia of this state, Mr. Berrien in the chair.

The president resumed the chair, and Mr. Berrien from the committee, reported that they had gone through the bill with an amendment.

Ordered, That the report do lie on the table.

The senate resolved itself into committee of the whole on the bill to be entitled an act to separate and divorce William Scott and Mary his wife, Mr. Holt in the chair.

The president resumed the chair, and Mr. Holt from the committee reported they had gone through the bill without amendment.

The senate took up the report of the committee, which was agreed to.

And on the question " Shall this bill now pass ?" it was determined in the affirmative.

The yeas and nays being required, are—yeas 37, nays 16.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Newton	Powers
Baker	Joice	Robinson
Beall	Lamkin	Sterling
Bonner	Lockheart of Bulloch	Strawn
Brown of Camden	Mangham	Swain
Brown of Hancock	Mann	Swilley
Bullock	McKinne	Tippins
Burney	McCrimmon	Walker
Cleveland	Montgomery of DeKalb	Watson
Coffee	Philips of Jones	Worthy
Groves	Philips of Walton	Wilborn
Harper	Powell	Wooten
Holt		

Those in the negative are

Messrs.

Allen of Burke	Crawford	Maxwell
Barnett	Garrison	Miller
Blackshear	Glenn	Montgomery of Jackson
Blackstone	Little	Sellers
Berrien	Lockheart of Warren	Sheffield
Cook		

The senate resolved itself into committee of the whole, on the bill to bill to be entitled an act to revive, amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, mr. McKinne in the chair.

The president resumed the chair, and mr. McKinne from the committee, reported the bill with amendments.

The senate took up the report—and,

On motion of mr. Powell,

To amend the report by striking out in the first section of the bill, the words " twenty fifth of November," and insert in lieu thereof, the "*first of October*," it was determined in the affirmative.

And the yeas and nays being required, are—yeas 31, nays 20.

Those in the affirmative are,

Messrs.

Allen of Burke	Crawford	Lockheart of Bulloch
Beall	Garrison	Lockheart of Warren
Blackshear	Glenn	Mann
Blackstone	Jones of Newton	Maxwell
Berrien	Joice	McCrimmon
Coffee	Lamkin	Montgomery of DeKalb

Philips of Walton	Sheffield	Walker
Powell	Swain	Watson
Powers	Swilley	Worthy
Rierson	Tippins	Wooten
Sellers		

Those in the negative are,

Messrs.

Allen of Elbert	Cook	Miller
Baker	Groves	Montgomery of Jackson
Barnett	Harper	Philips of Jones
Brown of Camden	Holt	Sterling
Brown of Hancock	Little	Strawn
Burney	Mangham	Wilborn
Cleveland	McKinne	

Mr. Montgomery of Jackson, then moved to amend the report, by inserting the following, (which had been stricken out in committee of the whole,) to wit:

*“And be it further enacted by the authority aforesaid, That where any surveys have heretofore been made on head rights or bounty warrants, and grants thereon have not been obtained, such land shall not be subject to a re survey until the expiration of the time herein limited, and until three months from and after the person or persons claiming under the original survey shall have been notified that such re-survey is intended to be made, and that in all cases the person or persons claiming under the original survey shall be entitled to the preference of making such re survey, until the expiration of three months from the time of such notification; and in the event of there being no claimant residing on or near the land to be thus re surveyed, such notice shall be perfected by giving three months notice by public advertisement at the court-house of the county where such land may lie.”*

And on the question to agree to the amendment it was determined in the negative.

And the yeas and nays being required, are—yeas 19, nays 36.

Those in the affirmative are,

Messrs.

Allen of Elbert	Little	Philips of Walton
Baker	Lockheart of Warren	Sterling
Brown of Hancock	Miller	Strawn
Cleveland	Montgomery of DeKalb	Walker
Cook	Montgomery of Jackson	Watson
Groves	Philips of Jones	Wilborn
Holt		

Those in the negative are,

Messrs.

Allen of Burke	Beall	Brown of Camden
Barnett	Blackshear	Ballock

Coffee	Lockheart of Bulloch	Robinson
Crawford	Mangham	Sellers
Garrison	Mann	Sheffield
Glenn	Maxwell	Swain
Harper	McKinne	Swilley
Jones of Newton	McCrimmon	Tippins
Joice	Powell	Worthy
Lamkin	Powers	Wooten

The report being amended, it was agreed to.  
And the bill read the third time and passed.

The senate again resolved itself into committee of the whole on the bill to be entitled an act to amend the 3d section of an act entitled an act to amend the 26th section of the judiciary act, passed the 16th day of December, 1799, and also to prevent a fraudulent enforcement of dormant judgments, passed the 19th day of December, 1822, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported that they had gone through the bill with amendments.

The senate took up the report, which was read and agreed to.  
And the bill read the third time and passed.

Mr. Holt from the select committee to whom was referred the petition of William Favour, made the following report :

That they have had the same under consideration, and believe that the petition is reasonable, and that some relief ought to be granted.— They therefore submit the following resolution.

*Resolved*, That his excellency the Governor he and he is hereby authorised and required to suspend the proceedings on a mortgage fi. fa. against fractions No. 285, and 292, in the 14th district formerly Baldwin county, now Putnam county, for the term of twelve months.

*And be it further resolved*, That the solicitor-general of the Ocmulgee circuit do take all legal means to obtain a judgment as soon as possible on the bond given by John A. Cuthbert and his security Isaiah Favour and Luke J. Moyer, which suit has been ordered by the late Governor, and pay into the Treasury the sum so raised and paid in discharge of the the aforesaid mortgage fi. fa. : *Provided*, That nothing in this resolution shall go to release said fraction from being subject to said fi fa which was read and ordered to lie on the table.

On motion of mr. Crawford,

*Resolved*, That James G. Staltings, and Samuel Crump be and they are hereby appointed commissioners in the room of John Beall and Thomas M. White, deceased, to keep open remove and prevent obstructions in the Savannah river, calculated to impede the free passage of fish, &c. agreeable to an act passed the 18th December, 1816.

On motion of mr. Cleveland,

The honourable member from the county of Walton was added to the committee to whom was referred a petition from the citizens of the county of Newton.

Mr. Lampkin, from the committee appointed, reported

A bill to be entitled an act to alter and change the site of the public buildings of the county of Dooley, and to appoint commissioners of the public buildings of said county, which was read the first time.

On motion of Mr. Montgomery, of Jackson,

The honourable member from the county of Putnam had leave of absence for a few days.

Mr. Coffee from the committee appointed, reported

A bill to be entitled an act to appoint trustees of the Telfair county academy, and to incorporate the same, which was read the first time.

On motion of Mr. Bullock,

*Resolved*, That Oliver H. Prince, Charles J. McDonald, Matthew Robertson, James S. Frierson, and Rice Derrett, be and they are hereby appointed commissioners of Bibb county academy.

Agreeable to notice Mr. Jones, of Newton, moved for the appointment of a committee to prepare and report a bill to be entitled an act to vest the title of such lots of land as have or may be declared fraudulent by judgment of court in the commissioners of the different county academies in which they lie, to be appropriated to the use of said academies, and to continue in force an act for the partitioning the same, passed the seventh day of December, 1821.

*Ordered*, that messrs. Jones of Newton, Blackstone, Coffee, Crawford and Mann be that committee.

Mr. Strawn, from the committee appointed, reported

A bill to be entitled an act to make permanent the site of the public buildings in the county of Fayette at Fayetteville and to incorporate the same, which was read the first time.

A message from the house of representatives by Mr. Dawson, their clerk:

*Mr. President,*

The house of representatives have agreed to a resolution appointing a committee to prepare and report a bill to raise a fund for the purchase of and to make free the bridge across the Savannah river at Augusta.

*Resolved*, That the subject matter of the above resolution be referred to a select and joint committee of both branches of the general assembly, with power to report by bill or otherwise, and have appointed a committee on their part.

To which they desire concurrence.

They have passed the following bills.---

A bill to be entitled an act to open a new road in the county of Camden and to authorise Lewis Bachlott, Gustavus A. Cox, and Belton A. Copp to raise a certain sum of money by lottery for that purpose.

A bill to be entitled an act to carry into effect the last will and testament of James Robinson, late of Greene county, deceased, so far as to emancipate a female slave by the name of Chloe.

A bill to be entitled an act to alter and change the names of Winney B. James F. and William A. Osborn, to that of Winney B. James F. and William A. Newsom.

A bill to be entitled an act to incorporate Harmony academy in the county of Putnam.

And a bill to be entitled an act to legalize certain draws of fractions in the late land lottery of the state and to vest the titles thereof in persons drawing the same.

And he withdrew.

The senate took up so much of the message as relates to a resolution respecting the Augusta bridge and appointed a committee on their part, consisting of messrs. Berrien, Gamble, Walker, Cook, Montgomery of Jackson, Crawford and Cleveland.

The senate then adjourned until to-morrow morning 10 o'clock.

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*SATURDAY, 15th Nov. 1823.*

On motion of Mr. Brown, of Hancock,

Ordered, that document No. 4, accompanying the Governor's message which was referred to the committee on finance, be referred to the committee on public education and free schools, and document No. — being a petition from Bryan Sheffield, which was also referred to the committee on finance, be referred to the committee on petitions.

Mr. Groves, from the committee appointed, reported

A bill to be entitled an act to incorporate the Madison county academy, which was read the first time.

Mr. Allen of Elbert, from the committee appointed, reported,

A bill to be entitled an act to incorporate the Eudisco academy in the county of Elbert, which was read the first time.

Mr. Garrison, from the committee appointed, reported,

A bill to be entitled an act to make permanent the site of the public buildings of Gainesville in the county of Hall, and to incorporate the same, passed the 30th of Nov. 1821, and further to define the duties and power of commissioners of said village, which was read the first time.

Mr. Crawford presented a petition from Cornelius Cohorn, which was read and together with the accompanying document referred to a select committee.

Ordered, that messrs. Crawford, Bullock and Bonner be that committee.

The senate took up the order of the day on a bill to be entitled an act to extend the time to fortunate drawers in the land lottery by the authority of an act passed the 15th day of May, in the year 1821, entitled an act to dispose of and distribute the lands lately acquired by the United States, for the use of Georgia, of the Creek Indians, &c. and also to extend the time of fortunate drawers in the land lottery by authority of an act passed on the 15th day of December, 1818, entitled an act to dispose of and distribute the late cession of land obtained from the Creek and Cherokee nations of Indians, by the United States, &c. and also reduce the fees upon the grants, and resolved itself into committee of the whole on said bill, Mr. Montgomery of Jackson in the chair.

The president resumed the chair, and Mr. Montgomery reported the bill without amendment.

The senate took up the report.

And the first section of the bill being read,

Mr. Powers proposed the following as a substitute for the whole bill, viz.:

A bill to be entitled an act to amend and continue an act entitled an act to extend the time for fortunate drawers in the land lottery of 1820, to take out the grants, passed the 19th December 1822.

*Be it enacted by the Senate and House of Representatives in General Assembly met. and it is hereby enacted by authority of the same, That the time allowed by law for the fortunate drawers in the land lottery of 1820, and '21, to take out their grants, be and the same is hereby extended to the 25th December 1824, all laws and parts of laws to the contrary notwithstanding, which was read.*

And on the question to agree, it was determined in the negative.

And the yeas and nays being required are—yeas 13, nays 39.

Those in the affirmative are,

Messrs.

Allen of Burke  
Allen of Elbert  
Barnett  
Blackshear  
Berrien

Crawford  
Maxwell  
Miller  
Powell

Powers  
Sheffield  
Walker  
Wooten

Those in the negative are,

Messrs.

Baker  
Beall  
Blackstone  
Bonner

Brown of Camden  
Brown of Hancock  
Bullock  
Burney

Cleveland  
Coffee  
Cook  
Garrison

Glenn	Mangham	Sellers
Groves	Mann	Sterling
Harper	McKinne	Strawn
Jones of Newton	McGrimmon	Swain
Joice	Montgomery of DeKalb	Swilley
Lamkin	Montgomery of Jackson	Tippins
Little	Phillips of Jones	Watson
Lockheart of Bulloch	Phillips of Walton	Worthy
Lockheart of Warren	Robinson	Wilborn

Mr. Blackshear then moved to strike out the words "twelve dollars," and insert the usual fees.

And on the question to strike out in the first section of the report of the committee it was determined in the negative.

And the yeas and nays being required are—yeas 13, nays 39.

Those in the affirmative are,  
Messrs.

Allen of Burke	Crawford	Powers
Allen of Elbert	Maxwell	Sheffield
Barnett	Miller	Walker
Blackshear	Powell	Wooten
Berrien		

Those in the negative are,  
Messrs.

Baker	Groves	Montgomery of Jackson
Beall	Harper	Phillips of Jones
Blackstone	Jones of Newton	Phillips of Walton
Bonner	Joice	Robinson
Brown of Camden	Lamkin	Sellers
Brown of Hancock	Little	Sterling
Bullock	Lockheart of Bulloch	Strawn
Burney	Lockheart of Warren	Swain
Cleveland	Mangham	Swilley
Coffee	Mann	Tippins
Cook	McKinne	Watson
Garrison	McGrimmon	Worthy
Glenn	Montgomery of DeKalb	Wilborn

Mr. Berrien then moved the following—

That the report be laid on the table, and that be  
a committee who are instructed to enquire from the proper officers,  
and report to this house,

*First,* The amount of expences attending the distribution of the said land among the citizens.

*Second,* The amount paid for grants heretofore taken out.

*Third,* The amount which will be raised by grants hereafter to be taken out at the proposed reduced price of twelve dollars.

To the end that this house may be enabled to ascertain whether if the fees be so reduced, the receipts from the said lands will be sufficient to meet the expenses actually incurred by the state.



And on the question being put, it was determined in the negative.

And the yeas and nays being required are—yeas 18, nays 34.

Those in the affirmative are,

Messrs.

Allen of Burke	Crawford	Powell
Allen of Elbert	Harper	Powers
Barnett	Lockheart of Warren	Sheffield
Blackshear	Maxwell	Sterling
Berrien	Miller	Walker
Brown of Camden	Montgomery of Jackson	Wooten

Those in the negative are,

Messrs.

Baker	Groves	Phillips of Jones
Beall	Jones of Newton	Phillips of Walton
Blackstone	Joice	Robinson
Bonner	Lamkin	Sellers
Brown of Hancock	Little	Strawn
Bullock	Lockheart of Bulloch	Swain
Burney	Mangham	Swilley
Cleveland	Mann	Tippins
Coffee	McKinne	Watson
Cook	McCrimmon	Worthy
Garrison	Montgomery of DeKalb	Wilborn
Glenn		

Mr. Powell then proposed the following as a proviso to the first section of the report.

*Provided*, Each and every person or persons who has paid eighteen dollars for any grant shall have the sum of six dollars repaid them out of any money in the Treasury not otherwise appropriated, and any person or persons who has paid nineteen dollars for a grant shall have seven dollars paid to him, her or them, out of any money in the Treasury not otherwise appropriated.

And on the question being put, it was determined in the negative.

And the yeas and nays being required are—yeas 9, nays 42.

Those in the affirmative are,

Messrs.

Allen of Burke	Brown of Hancock	Maxwell
Allen of Elbert	Crawford	Miller
Berrien	Glenn	Powell

Those in the negative are

Messrs.

Baker	Brown of Camden	Garrison
Barnett	Bullock	Groves
Beall	Burney	Harper
Blackshear	Cleveland	Jones of Newton
Blackstone	Coffee	Joice
Bonner	Cook	Lamkin

Little	Phillips of Jones	Swain
Lockheart of Bulloch	Phillips of Walton	Swilley
Lockheart of Warren	Powers	Tippins
Mann	Robinson	Walker
McKinne	Sellers	Watson
McCrimmon	Sheffield	Worthy
Montgomery of DeKalb	Sterling	Wilborn
Montgomery of Jackson	Strawn	Wooten

The first section of the report was then agreed to without amendment.

Mr. Blackshear moved to strike out the words "twelve dollars," in the second section of the report of the committee.

And on the question being put it was determined in the negative.

And the yeas and nays being required are—yeas 13, nays 39.

Those in the affirmative are,  
Messrs.

Ellen of Burke	Crawford	Powers
Ellen of Elbert	Maxwell	Sheffield
Arnett	Miller	Walker
Blackshear	Powell	Wooten
Errien		

Those in the negative are,  
Messrs.

Blackaker	Groves	Montgomery of Jackson
Call	Harper	Phillips of Jones
Blackstone	Jones of Newton	Phillips of Walton
Bonner	Joice	Robinson
Brown of Camden	Lamkin	Sellers
Brown of Hancock	Little	Sterling
Bullock	Lockheart of Bulloch	Strawn
Burney	Lockheart of Warren	Swain
Bellevand	Mangham	Swilley
Boffee	Mann	Tippins
Book	McKinne	Watson
Barrison	McCrimmon	Worthy
Benn	Montgomery of DeKalb	Wilborn

The report of the committee being gone through was agreed to, and the bill read the third time.

And on the question 'shall this bill now pass?' it was determined in the affirmative.

The yeas and nays being required are—yeas 42, nays 10.

Those in the affirmative are,  
Messrs.

Ellen of Elbert	Blackstone	Brown of Hancock
Blackaker	Bonner	Bullock
Call	Brown of Camden	Burney

Cleveland	Lockhart of Bulloch	Sellers
Coffee	Lockhart of Warren	Sheffield
Cook	Mangham	Sterling
Garrison	Mann	Strawn
Glenn	McKinnie	Swain
Groves	McCrimmon	Swilley
Harper	Montgomery of DeKalb	Tippins
Jones of Newton	Montgomery of Jackson	Watson
Joice	Phillips of Jones	Worthy
Lampkin	Phillips of Walton	Wilborn
Litle	Robinson	Wooten

Those in the negative are,

Messrs.

Allen of Burke	Crawford	Powell
Barnett	Maxwell	Powers
Blackshear	Miller	Walker
Berrien		

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to a resolution appointing Jonathan Van Waggoner auctioneer for the town of Eatonton.

They have concurred in the resolution of senate appointing commissioners for the academy of the county of DeKalb.

In the resolution of senate appointing commissioners for the academy of the county of Henry.

In the resolution appointing commissioners for the academy of the county of Fayette.

In the resolution appointing a notary public for the county of Bulloch.

In a resolution appointing a notary public for the county of Richmond.

In the resolution appointing a notary public for the county of Camden and town of Jefferson.

In the resolution appointing commissioners for the Houston county academy.

In the resolution appointing commissioners and trustees for the Emanuel county academy, with an amendment.

And in the resolution relative to the mode of electing the electors of President and Vice President of the United States.

And he withdrew.

The following communication was received from his excellency the Governor by his secretary mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 15th Nov. 1823. }

Recent causes occurred under the act of the 22d December, 1822, authorising the disposal of the fractional lots of land in the territory

lately acquired from the Creek and Cherokee Indians, where the parties choosing to pay into the treasury the whole amount of purchase money and fees, have applied for grants, I have directed them to be withheld for the present, because it is not distinctly understood what fees the different officers of government are entitled to receive in their transit through the different offices. The act before referred to, (viz. of the 23d Dec. 1822.) is, taken singly, susceptible of but one construction, but taken in connection with other acts of this legislature upon the same and similar subjects, it is doubtful what fees were intended to be allowed, and so doubtful that this department will not make any order on the subject until the legislative will is clearly expressed.

Signed,

G. M. TROUP.

Which was read and referred to the committee on finance.

The following communication was also received from his excellency the Governor, by his secretary, Mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 15th Nov. 1823. }

The resolution of the legislature of the 22d December 1822, authorising the appointment of commissioners to treat in connection with the United States' commissioners, with the Creek and Cherokee nations of Indians, prescribes no compensation for their services.— This is wrong. In the expenditure of public money it is recommended that you confide as little as possible to the mere discretion of the executive; it will save trouble to both branches of the government, if the legislature in all cases authorising services, will affix to those services a definite compensation. In the particular case which I submit for your consideration, it may be truly said, there is neither law nor precedent pointing to a standard by which the legislative will may be conjectured, or the executive discretion limited. It is proper further to state that claims have been preferred by persons connected with this and other commissions, as secretaries, when neither officer was authorised, nor compensation assigned. It is indispensable therefore, that the legislature, if it recognizes the claims and services of the secretaries to the commissioners, as I think they ought, should make provision for the compensation of them.

Signed,

G. M. TROUP.

Which was read, and together with the accompanying documents, referred to the committee on finance.

On motion of Mr. Montgomery of Jackson,

The honourable senator from the county of Laurens had leave of absence for a few days.

The senate adjourned until Monday morning 16 o'clock.

MONDAY, 17th Nov. 1828.

On motion of Mr. Allen of Elbert,

The honourable senator from the county of Richmond was added to the committee on internal improvement.

The senate took up the message from the house of representatives of Saturday, and the resolution appointing Jonathan Van Waggoner auctioneer for the town of Eatonton, was read and ordered to lie on the table.

The amendment made by the house of representatives to the resolution appointing commissioners and trustees of Emanuel county academy, which was to strike out "William" in the first line, and insert in lieu thereof, "Lovet," was read and concurred in.

The following bills were taken up, severally read the second time, and ordered for a third reading.

A bill to be entitled an act to incorporate the Madison county academy.

A bill to be entitled an act to incorporate Eudisco academy in the county of Elbert.

A bill to be entitled an act to amend an act entitled an act to make permanent the site of the public buildings of the village of Gainsville in the county of Hall, and to incorporate the same, passed the 30th November, 1821, and further to define the duties and powers of the commissioners of said village.

A bill to be entitled an act to alter the site of the public buildings of the county of Dooley, and to appoint commissioners of the public buildings of said county.

A bill to be entitled an act to appoint trustees of the Telfair county academy and to incorporate the same.

The bill to be entitled an act to make permanent the site for the public buildings in the county of Fayette at Fayetteville, and to incorporate the same, was read the second time and ordered for committee of the whole.

The following bills were severally read the third time and passed under their respective titles, viz.:

A bill to be entitled an act to change the names of certain persons therein named.

A bill to be entitled an act to authorise the judges of the inferior court of Emanuel county, to make rights and titles to the old courthouse and jail, and to two acres of land whereon they stand.

A bill to be entitled, an act to authorise the justices of the inferior court of Glynn county to levy an extra tax.

A bill to be entitled an act to make permanent the site of the public buildings of Houston county and to name the same.

A bill to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county.

A bill to be entitled an act to make permanent the site of the public buildings in the county of Rabun, and to name and incorporate the same.

A bill to be entitled an act to admit Edward P. Postell to plead and practice in the several courts of law and equity in this state.

A bill to be entitled an act to incorporate the trustees of the public cemetery of the village of Summerville.

A bill to be entitled an act to appoint trustees of the Clark county academy and to incorporate the same.

A bill to be entitled an act to add to the name of Stephen Lacoste Harris of Chatham county,

A bill to be entitled an act to incorporate the Walthourville academy in the county of Liberty and to appoint commissioners of the same.

A bill to be entitled an act to make permanent the site of the public buildings at the village of Clarksville in the county of Habersham and to incorporate the said village.

The senate resolved itself into committee of the whole on a bill to be entitled an act to alter the times of holding the first term of the courts of ordinary in the counties of Elbert, Oglethorpe, Wilkinson, Laurens, Chatham, Morgan, Bibb, Jasper, Habersham, Clark, Columbia, Jefferson, Hall, Madison, Lincoln, Putnam, Baldwin, Newton, Franklin, Glynn, Houston, Montgomery, Rabun, Jackson, Jones, Walton, McIntosh, Henry, Pike, Fayette, Gwinnett, Twiggs, and Greene, mr. McKinne in the chair.

The president resumed the chair, and mr. McKinne reported they had gone through the bill with an amendment.

The senate took up the report which was agreed to.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act explanatory of a part of the 9th section of an act passed on the 21st December 1821, to establish a turnpike over Ogeechee causeway in Bryan county, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported they had gone through the bill with an amendment.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to regulate the general elections in this state and to appoint the time of meeting of the general assembly, passed 11th of February, 1799, so far as to alter the time of holding the same, mr. Bonner in the chair.

The president resumed the chair, and mr. Bonner reported progress and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to amend part of the 18th section of the stray laws of this state, so far as respects the counties of Wayne, Camden, and Glynn, mr. Crawford in the chair.

The president resumed the chair, and mr. Crawford reported they had gone through the bill without amendments.

The senate took up the report, which was read and agreed to.

And on the question 'shall this bill pass?' it was determined in the affirmative.

And the yeas and nays being required are, yeas 28, nays 21.

Those in the affirmative are,

Messrs.

Allen of Elbert	Cook	Maxwell
Baker	Crawford	Powell
Barnett	Harper	Robinson
Berrien	Jones of Baldwin	Sheffield
Bonner	Jones of Newton	Sterling
Brown of Camden	Little	Strawn
Brown of Hancock	Lockheart of Warren	Tippins
Bullock	Mangham	Worthy
Burney	Mann	Wilborn
Cleveland		

Those who voted in the negative are,

Messrs.

Allen of Burke	Joice	Montgomery of Jackson
Beall	Lamkin	Phillips of Walton
Blackstone	Lockheart of Bulloch	Sellers
Coffee	McKinne	Swain
Garrison	McCrimmon	Swilley
Glenn	Miller	Watson
Groves	Montgomery of DeKalb	Wooten

The senate again resolved itself into committee of the whole on the bill to be entitled an act to alter and amend the second section of the second article of the constitution of the state of Georgia, mr Montgomery of Jackson, in the chair.

The president resumed the chair, and mr. Montgomery reported progress and had leave to sit again.

On motion of mr. Powell,

*Resolved*, That the executive appointment of William Carnochan, Esq. as a commissioner of the river Alatamaha, in the place of Major Jacob Wood, resigned, be and the same is hereby confirmed.

Mr. Mangham from the committee appointed, reported,

A bill to be entitled an act to authorise the commissioners of the public roads in the county of Glynn open a road and appropriate any money to the improvement of the water passage between Brunswick and Darien, &c. which was read the first time.

On motion of mr. Bonner,

*Resolved*, That the fraction selling commissioners be and they are hereby requested to suspend the sale of any fraction which may have

been drawn in the last land lottery, by a certificate being produced from the executive, stating the number of the fraction so drawn, and by whom.

Mr. Jones of Baldwin, gives notice, that he will on to-morrow, move for the appointment of a committee to prepare and report a bill the more effectually to provide for the punishment of slaves capitally, and making compensation to the owner of the same.

Mr. Montgomery, of De Kalb, gives notice that he will, on to-morrow, apply for a committee to prepare and report a bill to alter and amend the first section of an act passed 9th of December, 1822, entitled an act to lay out four new counties from the counties of Houston, Twiggs, Monroe, Jones, Henry, Fayette, and Gwinnett, and to attach the said new counties to the Flint circuit.

Mr. Bulloch gives notice, that he will after to day, move for the appointment of a committee to prepare and report a bill to make legal the acts of Edmund C. Beard, sheriff of Bibb county, in certain cases.

On motion of mr. Cook,

*Resolved*, That Allen Brown be and he is hereby appointed a notary public for the county of Clark.

The senate took up the message of the house of representatives of Friday last, and the several bills contained therein were read the first time.

Mr. Berrien introduced a bill instanter, to be entitled an act to alter and amend the militia laws of this state so far as relates to the first regiment of the militia thereof, and for other purposes.

On motion of mr. McKinne,

*Resolved*, That Mulford Marsh be and he is hereby appointed a notary public for the county of Scriven.

On motion of mr. Coffee,

The honourable member from the county of Pulaski was added to the military committee.

Mr. Swilley, from the committee appointed, reported,

A bill to be entitled an act to divide the county of Appling, which was read the first time.

Mr. Berrien agreeable to notice introduced a bill to be entitled an act to authorise the Chatham artillery company to recruit by the admission of members residing within the brigade to which the said company is attached, which was read the first time.

On motion of mr. Beall,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of compelling all persons charged with offences against the state, to notify their prosecutors of their intention



to apply for the benefit of the habeas corpus act, before the same be allowed them, and that they report by bill or otherwise.

Agreeable to notice, mr. Berrien introduced a bill to be entitled an act to authorise the enforcement of the patrol law in the city of Savannah in certain cases therein mentioned, which was read the first time.

Mr. Berrien presented a memorial from Matthias Maher, Ebenezer Jackson, and Arthur Harper, (for himself, and as the legal representative of Quentin Hamilton, deceased.)

Which was read and referred to a select committee consisting of messrs. Berrien, Coffee, Montgomery of Jackson, Cleveland and Walker.

The senate adjourned until to-morrow morning 10 o'clock

## *TUESDAY, 18th Nov. 1823.*

On motion of mr. Coffee,

The Senate reconsidered so much of the journal of yesterday as relates to the passage of a bill to be entitled an act to amend the 18th section of the estray law of this state so far as respects the counties of Wayne, Camden and Glynn.

Ordered, That the bill lie on the table.

The following bills were taken up, read the second time and ordered for a third reading :

A bill to be entitled an act to authorise the Chatham artillery company to recruit by the admission of members residing within the brigade to which the said company is attached.

A bill to be entitled an act to authorise the enforcement of the patrol law in the city of Savannah in certain cases therein mentioned.

A bill to be entitled an act to open a new road in the county of Camden and to authorise Lewis Bachlott, Gustavus A. Cox, and Belton A. Copp to raise a certain sum of money by lottery for that purpose.

A bill to be entitled an act to change the names of Winney B. James F. and William A. Osborn, to that of Winney B. James F. and William A. Newsum.

A bill to be entitled an act to incorporate, Harmony academy in the county of Putnam.

The following bills were read the second time, and ordered for committee of the whole, viz :

A bill to be entitled an act to alter and amend the militia laws of this state, so far as relates to the first regiment of the militia thereof, and for other purposes.

A bill to be entitled an act to divide the county of Appling.

A bill to be entitled an act to carry into effect the last will and testament of James Robinson, late of Greene county, dec'd, so far as to emancipate a female slave by the name of Chloe

A bill to be entitled an act for the relief of Michael Dickson.

A bill to be entitled an act to legalise certain draws of fractions in the late land lottery of this state, to vest the titles thereof in persons drawing the same.

A bill to be entitled an act to authorise the commissioners of the public roads for the county of Glynn to open a road, and appropriate money to the improvement of the water passage between Brunswick and Darien.

The following bills were severally read the third time and passed under their respective titles, viz :

A bill to be entitled an act to appoint trustees of the Telfair county academy, and to incorporate the same.

A bill to be entitled an act to alter and change the site of the public buildings in the county of Dooley, and to appoint commissioners of the public buildings of said county.

A bill to be entitled an act to make permanent the site of the public buildings in the village of Gainsville, in the county of Hall and to incorporate the same.

A bill to be entitled an act to incorporate Eudisco academy in the county of Elbert.—and,

A bill to be entitled an act to incorporate the Madison county academy, and to appoint trustees of the same.

The senate resolved itself into a committee of the whole, on the bill to be entitled an act to make permanent the site of the public buildings in the county of Fayette, and to incorporate the same, mr. Baker in the chair.

The president resumed the chair, and mr. Baker reported that they had gone through bill with an amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate again resolved itself into committee of the whole, on the bill to be entitled an act to regulate the general elections in this state and to appoint the time of the meeting of the general assembly, passed 11th of February 1799, so far as to change the time of holding the same, mr. Bonner in the chair.

The president again resumed the chair, and mr. Bonner reported progress, and had leave to sit again.

The senate again resolved itself into committee of the whole on the bill to be carried an act to alter and amend an act entitled an act to authorise the Inferior courts of the counties of Richmond and Jefferson to adopt such measures in relation to roads and bridges of their counties as they may think proper, and to lay an extra tax for the same, in Mr. Maxwell in the chair.

The president again resumed the chair, and Mr. Maxwell reported that they had gone through the bill with an amendment.

The senate took up the report, which was agreed to.

And the bill was read the third time and passed.

Agreeably to notice, Mr. Bonner reported, a bill to be entitled an act to suit and dispose of lots Nos. 10 and 100, reserved by the land lottery held passed 15th Dec. 1818, for the education of poor children.

Which was read the first time.

Mr. Powell from the joint committee on banks, reported as follows, viz :

The committee appointed to enquire into the expediency of establishing a branch bank at the town of Macon, Report,

That they have taken into consideration the situation, the fertility of the surrounding country, and the present promise of the future increase and commercial importance of the town of Macon, and are therefore of opinion, that it is expedient, and will be to the interest of the state and the stockholders, that the branch of the bank of Darien now established at Marion, Twiggs county, shall be removed and established at the town of Macon, as soon as the same can be done with safety to the institution.

Which was read and ordered to lie on the table.

Mr. Montgomery, of De Kalb, from the committee appointed, reported,

A bill to be entitled an act to legitimize a certain male child by calling him William Grogan.

On motion,

Mr. Crawford had leave to withdraw the petition and documents of Cornelius Cohorn, which was referred to a select committee.

Mr. Gamble gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to be entitled an act to compel the clerks of the inferior courts in this state annually at the first term of the superior court in their respective counties, to make and exhibit to the grand jury a statement of the county funds, showing the receipts and expenditures of their said counties for the preceding year.

Mr. Clark called up the resolution authorising the commissioners appointed by the last legislature to sell the fractional surveys, to expose to sale all the fractional surveys lying in the county of Walton, which was in the ninth district formerly Henry county, provided such fractions shall be advertised and sold as heretofore, &c.

Agreeable to notice, mr. Jones of Baldwin, moved for the appointment of a committee to prepare and report a bill the more effectually to provide for the punishment of slaves capitally, and making compensation to the owners of the same.

Ordered, That messrs. Jones of Baldwin, Bullock, and Maxwell, be that committee.

Mr. Worthy had leave to introduce a bill, instanter, to be entitled an act to define the duties and authorities of the commissioners of the town of Lawrenceville, in Gwinnett county.

Which was received and read the first time.

Mr. Brown of Camden, from the committee of enrollment, reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, viz :

An act to authorise any person or persons, citizens of this state, who shall apply at the necessary offices, to take out and receive in his, her or their own name or names, a grant or grants for any fraction or fractions, lot or lots of land in the county of Wilkinson that remain unsold, on the payment of ten dollars on each grant.—and,

An act to compel the slaves on the island of St. Simons and Jekyll to work the road on the island of St. Simons, and such cuts through the marsh as the commissioners hereafter named or a majority of them may direct to be laid out.

Which were presented to and severally signed by the president of senate.

Ordered, That the committee on enrollment do carry said acts to his excellency the Governor for his revision.

Mr. Berrien from the select committee, to whom was referred the memorial of Eleazar Early and his associates, reported

A bill to be entitled an act to vest in Eleazar Early and his associates, their heirs and assigns, the sole and exclusive right of transporting passengers and their baggage between the cities of Savannah and Augusta, by means of stages and steam boats by the route and on the terms therein specified—which was read the first time.

On motion of mr. Blackstone,

*Resolved*, That Samuel W. Langston, Newdegate Ausley, Elisha Tarver, John Canady, and John Vance, be and they are hereby appointed commissioners of Crawford county academy.

The senate took up the report of the committee of the whole, on the bill to be entitled an act to separate and divorce Patience Tolbert and Washington Tolbert her husband—which was read and agreed to.

And on the question "Shall this bill now pass?" the yeas and nays being required are—yeas 28, nays 20.

Those in the affirmative are,  
Messrs.

Allen of Elbert	Harper	Sterling
Baker	Jones of Baldwin	Strawn
Beall	Lockheart of Bulloch	Swain
Brown of Camden	Mann	Swilley
Brown of Hancock	McKinne	Tippins
Bullock	McCrimmon	Walker
Burney	Powell	Watson
Coffee	Powers	Wimberly
Gamble	Robinson	Wooten
Groves		

Those who voted in the negative, are  
Messrs.

Allen of Burke	Jones of Newton	Montgomery of Jackson
Barnett	Joice	Philips of Jones
Blackstone	Little	Sellers
Bennett	Lockheart of Warren	Sheffield
Cleveland	Maxwell	Worthy
Cook	Miller	Wilborn
Garrison	Montgomery of DeKalb	

There not being a constitutional majority, the bill was lost on its passage.

Mr. Jones of Baldwin, introduced a bill, instantan to be entitled an act to amend the title of an act to establish academies in the counties of Bryan and Pulaski—which was read the first time.

Agreeable to notice, mr. Montgomery, of De Kalb, moved for the appointment of a committee to prepare and report a bill to alter and amend the first section of an act passed the 9th Dec. 1822, entitled an act lay out four new counties from the counties of Houston, Twiggs, Monroe, Jones, Henry, Fayette, and Gwinnett, and to attach said new counties to the Flint circuit.

Ordered, That messrs. Montgomery of De Kalb, Powers and Barnett, be that committee.

A message from the house of representatives by mr. Dawson, their clerk:

*Mr. President,*

The house of representatives have concurred in the resolutions of senate following, to wit:

In the resolution appointing commissioners for the Bibb county academy.

In the resolution appointing commissioners for the Pike county academy.

In the resolution directing the printing committee to contract for the printing of 300 copies of the treasurer's report, &c.

In the report of the printing committee, relative to their contract with messrs. Camak & Ragland, to print the laws, journals, &c. of the present session.

In the resolution relative to the election of the state house officers.

In the resolution appointing commissioners in the room of John Beall and Thomas M. White, deceased, to remove obstructions in the Savannah river, &c.

In the resolution directing the fraction selling commissioners to suspend the sale of certain fractions.

The house of representatives have agreed to *the first amendment* of senate to the bill to revive, amend, and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, *and have disagreed to all other amendments of senate to said bill.*

The house of representatives have passed the following bills, to wit;

A bill to be entitled an act to authorise Hinson Gresham, executrix of Young Gresham, dec'd. to establish a ferry over the Oconee river, at a place known by the name of Colham's ferry—and,

A bill to incorporate the town of Newnan, and make permanent the site of the public buildings in Pike county.

They have agreed to a resolution requiring the comptroller-general to lay before the General Assembly, certain information relative to the sale of fractions in the counties of Walton, Gwinnett, Hall, Habersham, and Rabun, &c.

To which they desired concurrence.

And he withdrew.

The senate took up the message, and concurred in the resolution requiring the comptroller general to lay before the General Assembly, certain information relative to the sales of fractions in the counties of Walton, Gwinnett, Hall, Habersham, and Babun.

The amendments made by the senate to the bill from the house of representatives, to be entitled an act to revive, amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, which were disagreed to by the house of representatives, being read—

On motion,

*Resolved*, That the senate do adhere to their amendments made to said bill.

The several bills contained in said message were read the first time.

On motion of mr. Bulloch,

*Resolved*, That Samuel I. Cooleage be, and he is hereby appointed notary public for the county of Bibb,

Agreeable to notice, mr. Burney moved for the appointment of a committee to prepare and report a bill to be entitled an act to separate and divorce Sarah Heard and Stephen G. Heard, her husband.

Ordered, That messrs. Burney, Wellborn, and Miller, be that committee.

Agreeable to notice, mr Bullock moved for the appointment of a committee to prepare and report a bill to be entitled an act to make legal the acts of Edmund C. Beard, sheriff of Bibb county, in certain cases.

Ordered, That messrs. Bullock, Jones of Baldwin, and Maxwell, be that committee.

The senate adjourned until to-morrow morning 10 o'clock.

### WEDNESDAY, 19th Nov. 1823.

On motion of mr. Walker,

The Journal of yesterday so far as relates to a bill to be entitled an act to divorce and separate Pajence Tolbert and Washington Tolbert, was reconsidered and the bill ordered to lie on the table.

Mr. Brown of Hancock presented a petition from sundry citizens of Hancock county, which was read and referred to a select committee consisting of messrs Brown of Hancock, Burney and Cook.

Mr. Bullock presented a petition from sundry citizens of Bibb county which was read and referred to the committee on internal improvement.

Agreeable to notice, mr. Sellers moved for the appointment of a committee to prepare and report a bill to be entitled an act to authorise the justices of the Inferior court of Henry county if they think proper so to do, to convey to the Baptist church or agents by them appointed, not exceeding one acre of ground out of any lands heretofore acquired by said justices for the use of the county and not laid out in town lots for the purpose of erecting a meeting-house thereon, and a like quantity in manner aforesaid, to the Methodist society for the purposes aforesaid.

Ordered, That messrs. Sellers, Phillips of Walton, and Garrison, be that committee.

On motion of mr. Bullock,

The senate took up the report of the bank committee which was made in part, authorising the directors of the Darien bank to remove the branch of said bank, established at Marion to Macon.

Mr. Jones of Baldwin offered the following as an amendment, viz. "after the expiration of two years," which was ordered together with the report to lie on the table.

On motion of mr. Beall,

*Resolved* That the committee on free schools and public education be instructed to enquire of the Treasurer upon what evidence the charge of the sum of five hundred and four dollars seventy and an half cents has been made against the county of Wilkinson in the document No. 4. accompanying the Governor's communication referred to them, and that they report thereon to this house.

Mr. Lampkin gives notice that he will, after to-day, move for a committee to be appointed to prepare and report a bill to appoint one other election precinct in the county of Dooley.

On motion of mr. Mangham.

*Resolved*, That John Franklin of Glynn county, be appointed a notary public for said county.

Agreeable to notice, mr. Gamble moved for the appointment of a committee to prepare and report a bill to compel the clerks of the inferior courts of their respective counties, to make and exhibit to the grand jury a statement of the county funds.

Ordered, that messrs. Gamble, Burney and Wilborn be that committee.

Mr. Jones of Newton gives notice that he will, after to day move for the appointment of a committee to prepare and report a bill to alter and amend the 43d section of an act passed the 10th day of May, 1770, regulating slaves and patrols.

Mr. Berrien presented a memorial from the citizens and merchants of the city of Savannah, which was read and referred to the select joint committee appointed by resolution to take into consideration the propriety of making free the bridge across the Savannah river opposite Augusta.

Mr. Walker presented a petition from the citizens of Augusta, which was read and referred to the select joint committee appointed by resolution to take into consideration the propriety of making free the bridge across the Savannah river opposite Augusta.

A message from his excellency the Governor, by his secretary mr. Wood.

*Mr. President,*

His excellency the governor has approved of and signed the following resolutions which originated in this branch of the legislature, to wit:

A resolution requesting the fraction selling commissioners to suspend the sale of any fraction which may have been drawn in the last



land lottery, by a certificate being produced from the executive stating the number of the fraction so drawn, and by whom.

And a resolution appointing Saturday next the 22d inst. at 10 o'clock A. M. for the purpose of electing a secretary of state, treasurer, comptroller general, and surveyor general.

And he withdrew.

On motion of Mr. Watson,

*Resolved*, That Martin Wood and William McDonald be and they are hereby appointed commissioners of the Early county academy, in place of E. W. Attaway and Bartlett Smith, removed.

*And be it further resolved*, that S. B. Jackson, James Bush, John Dill, Thomas Cook, and Richard Grimsley be appointed trustees of the same.

Mr. Garrison from the committee appointed, reported

A bill to be entitled an act to vest in and authorise the commissioners of Hall county academy to dispose of one half of lot Nos. 46 and 8, in the tenth district of said county, which was read the first time.

The following bills were taken up, severally read the second time, and ordered for a third reading, viz :

A bill to be entitled an act to amend the title of an act to establish academies in the counties of Bryan and Polaski.

A bill to be entitled an act to legitimate a certain male child by calling him William Grogan.

A bill to be entitled an act to incorporate the town of Newnan and make permanent the site of the public buildings in Pike county.

A bill to be entitled an act to authorise Minson Gresham, executrix of Young Gresham, deceased, to establish a ferry over to the Oconee river at a place known by the name of Colham's ferry.

The following bills were severally read the second time and ordered for committee of the whole :

A bill to be entitled an act to vest in Eleazer Early and his associates their heirs and assigns the sole and exclusive right of transporting passengers and their baggage between the cities of Savannah and Augusta, by means of stages and steamboats, by the route and on the terms therein specified.

A bill to be entitled an act to define the duties and authority of the commissioners of the town of Lawrenceville in Gwinnett county.

A bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved in the land lottery act, passed 15th Dec. 1818, for the education of poor children.

The following bills were severally read the third time and passed under their respective titles.

A bill to be entitled an act to alter and change the names of Winney B. James F. and William A. Osborn, to that of Winney B. James F. and William A. Newsom.

A bill to be entitled an act to incorporate Harmony academy in the county of Putnam.

A bill to be entitled an act to open a new road in the county of Camden, and to authorise Lewis Bachlott, Gustavus A. Cox, and Belton A. Copp, to raise a certain sum of money by lottery for that purpose.

A bill to be entitled an act to authorise the enforcement of the patrol law in the city of Savannah in certain cases therein mentioned.

And a bill to be entitled an act to authorise the Chatham artillery company to recruit by the admission of members residing within the brigades to which the said company is attached.

The senate resolved itself into committee of the whole on the bill to be entitled an act to divide the county of Appling, mr. Robinson in the chair.

The president resumed the chair and mr. Robinson reported that they had disagreed to the bill.

The senate took up the report of the committee.

And on the question to agree to the report it was determined in the affirmative.

And the yeas and nays being required, are—yeas 32, nays 18.

Those in the affirmative are,

Messrs.

Allen of Burke	Gamble	Miller
Allen of Elbert	Garrison	Montgomery of DeKalt
Baker	Groves	Montgomery of Jackson
Barnett	Harper	Powell
Beall	Jones of Baldwin	Powers
Berrien	Jones of Newton	Robinson
Bonner	Little	Sheffield
Brown of Hancock	Lockheart of Warren	Sterling
Bullock	Mangham	Tippins
Cook	Mann	Wooten
Crawford	Maxwell	

Those in the negative are,

Messrs.

Blackstone	Lockheart of Bulloch	Swain
Brown of Camden	McCrimmon	Swilley
Burney	Philips of Jones	Walker
Cleveland	Philips of Walton	Watson
Coffee	Sellers	Worthy
Joice	Strawn	Wilborn

The senate resolved itself into committee of the whole on a bill to authorise the commissioners of the public roads for the county of Glynn to open a road and appropriate money to the improvement of the water passage between Brunswick and Darien, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported they had gone through the bill without amendments.

Ordered, that the report lie on the table.

The senate resolved itself into committee of the whole, on the bill to be entitled an act for the relief of Michael Dickson, mr. Groves in the chair.

Mr. president resumed the chair, and mr. Groves reported they had gone through the bill without amendment.

The senate took up the report of the committee, which was agreed to, and the bill read the third time and passed.

The senate resolved itself into a committee of the whole, on the bill to be entitled an act to legalize certain draws in the last land lottery, and to vest the title thereof in certain persons drawing the same, mr. Powell in the chair.

Mr. president resumed the chair, and mr. Powell reported they had gone through the bill with an amendment.

The senate took up the report of the committee which was agreed to, And the bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to carry into effect the last will and testament of James Robinson late of Greene county, deceased, so far as to emancipate a female slave by the name of Chloe, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported they had gone through the bill without amendments.

The senate took up the report of the committee, which was agreed to, And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to separate and divorce Delitha Garner and Richard Garner her husband, mr. Crawford in the chair.

The president resumed the chair, and mr. Crawford reported they had gone through the bill without amendments.

The senate took up the report of the committee, which was agreed to.

And on the question " Shall this bill now pass ?" the yeas and nays being required, are—yeas 32, nays 19.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Baldwin	Sterling
Baker	Jones of Newton	Strawn
Beall	Lockheart of Bulloch	Swain
Bonner	Mangham	Swilley
Brown of Camden	Manly	Tippins
Bullock	McCrimmon	Walker
Burney	Philips of Jones	Watson
Coffee	Philips of Walton	Wilborn
Gamble	Powell	Wimberly
Groves	Powers	Wooten
Harper	Robinson	

Those in the negative are

Messrs.

Allen of Burke	Garrison	Miller
Barnett	Glenn	Montgomery of DeKalb
Blackstone	Joice	Montgomery of Jackson
Berrien	Little	Sellers
Cleveland	Lockheart of Warren	Sheffield
Cook	Maxwell	Worthy
Crawford		

There not being a constitutional majority the bill was lost.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to alter and amend the militia laws of this state, so far as relates to the first regiment of the militia thereof, and for other purposes. Mr. Maxwell in the chair.

The president resumed the chair, and Mr. Maxwell reported they had gone through the bill without amendment.

The senate took up the report of the committee, which was agreed to. And the bill read the third time and passed.

Mr. Jones of Baldwin had leave to introduce a bill instantler, to be entitled an act to amend an act entitled an act to appoint commissioners for the better regulation and government of the town of Milledgeville, passed 10th day of December, 1812, which was read the first time.

A message from his excellency the Governor, by his secretary Mr. Wood.

*Mr. President,*

I am directed by his excellency the Governor to notify the senate that he has approved of and signed certain resolutions which originated in this branch of the legislature, the substance of which are as follows, to wit :

One appointing John A. Heard and Thomas Jones, commissioners of Elbert county academy, in addition those already appointed.

One appointing Levet Moore, Charles C. Jenkins, John Chason, Isaac Ferguson and Canneth Swain, commissioners of the academy of Emanuel county—William Johnson, James Walea, John Love, George Dekle, Reuben Thompson, trustees of the same.

One appointing William C. Mills, a notary public for the county of Chatham.

One authorising his excellency the Governor to furnish the counties of De Kalb, Henry, Fayette, Monroe, Pike, Crawford, and Bibb, with a sufficient number of Clay on's Georgia Justice and Prince's Digest, to furnish those officers entitled by law to one copy each.

One appointing Wyatt Hefling, James Head, Alex. Ware, Ephraim Pennington, Collin Alford, James T. Wafer, and Wm. Gilleland, commissioners of the academy of Fayette county.

One appointing James Ralls, a notary public for the county of Bulloch.

One appointing John B. Nelson, Zachariah Holloway, Jacob R. B. ooks, Joseph Morris, Joseph D. Shumate, Reuben Cone, and James Blackstock, commissioners of the academy of De Kalb county.

One appointing Jonathan S. Beers a notary public for the county of Richmond.

One appointing John Griffin, Samuel Johnson, John Wood, Wm. L. Crayton, and Joseph Greene, commissioners of the academy of Henry county.

One appointing Howell Cobb, Wilson Collins, Michael Watson, Charles F. Patillo, and James Holt, Sr. commissioners of Houston county academy.

One appointing John Bailey a notary public for the county of Camden and town of Jefferson.

One requiring the magistrates who shall preside at the several elections, to be held in the different counties of this state, for the choice of members of the legislature, at the next general election, to propose to each and every voter at the time of receiving his vote, whether he desires that the choice of electors of President and Vice President of the United States, shall be confided to the people or retained by the legislature, &c.

And he withdrew.

Agreeable to notice Mr. Jones, of Baldwin, introduced a bill to be entitled an act more effectually to provide for the punishment of slaves capitally and making compensation to the owners of the same, which was read the first time.

On motion of Mr. Walker,

The honorable member from the county of Henry, was added to the committee on public education and free schools.

Mr. Sellers, from the committee appointed, reported

A bill to be entitled an act to add a part of the county of Newton to the county of Henry—which was read the first time.

Mr. Crawford gives notice, that after to-day, he will move for a committee to prepare and report a bill to legalize the official acts of judges of the Superior courts, assistant justices, justices of the Inferior court and justices of the peace, in certain cases.

The senate adjourned until to-morrow morning 10 o'clock.

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*THURSDAY, 20th Nov. 1823*

On motion of Mr. Swilley,

The senate reconsidered so much of the Journal of yesterday as relates to the passage of the bill to be entitled an act to divide the county of Appling.

Ordered, That the bill lie on the table.

On motion of Mr. Robinson,

The senate reconsidered so much of their journal of yesterday, as relates to the passage of a bill to be entitled an act to divorce Delia Garner and Richard Garner, her husband.

Ordered, that said bill lie on the table.

Mr. Swain had leave to report instantler, a bill to be entitled an act to authorise and empower the Justices of the Inferior courts throughout this state to remit fines and forfeitures in certain cases, which was read the first time.

Mr. Brown of Camden, from the joint committee on enrollment, reported as duly enrolled and signed by the speaker of the house of representatives.

An act to extend the time to fortunate drawers in the land lottery by the authority of the act passed on the 15th day of May in the year 1821, entitled an act to dispose of and distribute the lands lately acquired by the United States for the use of Georgia, of the Creek Indians, &c. and also to extend the time to fortunate drawers in the land lottery by the authority of an act passed on the 15th day of December 1818, entitled an act to dispose of and distribute the late cession of land obtained from the Creek and Cherokee nation of Indians by the United States, &c. and also to reduce the fees upon the grants.

Which was presented to and signed by the president of the senate.

Ordered, That the committee on enrollment carry the said act to his excellency the Governor for his revision.

On motion of Mr. Sellers,

*Resolved*, That Samuel Houston be and he is hereby appointed a notary public for the county of Henry.

Mr. Allen of Burk, from the committee appointed, reported

A bill to be entitled an act to compel executors and administrators to notify widows to make their election, and amendatory to the 4th section of an act entitled an act for the more effectually securing the probate of wills, limiting the time for executors to qualify and widows to make their election, passed 10th day of Dec. 1807, which was read the first time.

Mr. Montgomery of DeKalb, from the committee appointed, reported

A bill to be entitled an act to alter and amend the first section of an act entitled an act to lay out four new counties of Houston, Twiggs, Monroe, Jones, Henry, Fayette and Gwinnett, and to attach the said new counties to the Flint circuit, which was read the first time.

On motion of Mr. Kinne,

*Resolved*, That his excellency the Governor lay before the committee of internal improvement all the reports he may be in possession of, made by the commissioners of the navigation of Briar Creek, and the amount of money the said commissioners have received from the state in pursuance of the several acts passed for that purpose.

Mr. Berrien from the joint judiciary committee, reported as follows:  
The joint judiciary committee to whom was referred the resolution having for its object the punishment of slaves for running away under aggravated circumstances, respectfully report.

That they have had the same under consideration, and are of opinion that it would be impolitic to pass any law at the present time on the subject.

Which was read and agreed to.

Agreeable to notice, Mr. Crawford, moved for the appointment of a committee to prepare and report a bill to be entitled an act to legalize the official acts of judges of the Superior court, assistant justices, justices of the Inferior court, and justices of the peace, in certain cases.

Ordered, that messrs. Crawford, Jones of Baldwin, and Gamble be that committee.

Mr. Gamble, from the committee appointed, reported,

A bill to be entitled an act to compel the clerks of the Inferior courts in the several counties in this state annually at the first term of the Superior court in their respective counties to make and exhibit to the grand jury a statement of the county funds, shewing the receipts and expenditures of their said counties for the preceeding year which was read the first time.

Agreeable to notice, Mr. Lamkin moved for the appointment of a committee to prepare and report a bill to be entitled an act to appoint one other election precinct in the county of Dooly.

Ordered, that messrs. Lamkin, McKinne, and Watson, be that committee.

Agreeable to notice, Mr. Jones of Newton, moved for the appointment of a committee to prepare and report a bill to be entitled an act to alter and amend the 43d section of an act passed the 10th day of May, 1770, regulating slaves and patrols.

Ordered, that messrs. Jones of Newton, Lockheart of Warren and Coffee be that committee.

Mr. Mangham called up the report of the committee of the whole on the bill to be entitled an act to authorise the commissioners of the public roads for the county of Glynn to open a road, and appropriate money to the improvement of the water passage between Brunswick and Darien.

Which was read and agreed to.

And the bill read the third time and passed.

Mr. Jones of Baldwin, presented a petition from Samuel Buffington, which was read and referred to a committee consisting of messrs. Jones of Baldwin, Crawford and Gamble,

Mr. Bullock had leave to report instantler, a bill to be entitled an act to grant and secure to the commissioners of the incorporation and citizens of the town of Macon, Bibb county, four acres of ground at

or near Fort Hawkins for the purpose of a public burying ground, which was read the first time.

Mr. Wimberly called up the report of the joint bank committee, which was read, and on motion of Mr. Berrien, amended to read as follows, to wit:

The committee appointed to enquire into the expediency of establishing a branch bank at the town of Macon, Report,

That they have taken into consideration the situation, the fertility of the surrounding country, and the present promise of the future increase and commercial importance of the town of Macon, and are therefore of opinion that it is expedient and will be for the interest of the state and the stockholders, that a branch of the bank of Darien should be immediately established at the town of Macon, and that after the expiration of two years, the branch of the said bank now established in the town of Marion, should be discontinued, and its funds transferred to the branch so to be established in the town of Macon.

Which being read as amended, was ordered to lie on the table until to-morrow.

The bill to be entitled an act to amend an act entitled an act to amend an act entitled an act to appoint commissioners for the better regulation and government of the town of Milledgeville, passed the 10th day of December, 1812, was read a second time, and ordered for a third reading.

The following bills were severally read the second time, and ordered for committee of the whole, viz:

A bill to be entitled an act to add a part of the county of Newton to the county of Henry.

A bill to be entitled an act to vest in and authorise the commissioners of Hall county academy to dispose of one half of lot No. 48 in the 10th district of said county.—and

A bill to be entitled an act the more effectually to provide for the punishment of slaves capitally and making compensation to the owners of the same.

The following bills were severally read the third time and passed under their respective titles, viz.:

A bill to be entitled an act to incorporate the town of Newnan, and make permanent the site of the public buildings in Pike county.

A bill to be entitled an act to legitimize a certain male child by calling him William Grogan.

A bill to be entitled an act to authorise Hinson Gresham, executrix of Young Gresham, dec'd to establish a ferry on the Oconee river, at a place known by the name of Colham's ferry.—and,

A bill to be entitled an act to amend the title of an act to establish academies in the counties of Bryan and Pulaski.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to vest in Eleazar Early and his associates, their



heirs and assigns, the sole and exclusive right of transporting passengers and their baggage between the cities of Savannah and Augusta, and by means of stages and steam boats, by the rout and on the terms therein specified, mr. Montgomery of Jackson in the chair.

The president resumed the chair, and mr. Montgomery reported that they had disagreed to the bill.

Ordered, That the report lie on the table.

The senate resolved itself into committee of the whole on the bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved in the land lottery act, passed 15th Dec. 1818, for the education of poor children, mr. Crawford in the chair.

The president resumed the chair, and mr. Crawford reported progress and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to define the duties and authority of the commissioners of the town of Lawrenceville, in Gwinnett county, mr. Brown of Hancock, in the chair.

The president resumed the chair, and mr. Brown reported the bill with amendments.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

Mr. Brown of Hancock, from the committee appointed, reported

A bill to be entitled an act to establish and fix the name of the academy at Mount Zion, in the county of Hancock, and to incorporate the trustees thereof—which was read the first time.

Mr. Brown of Camden, from the joint committee on enrollment, reported as duly enrolled and signed by the speaker of the house of representatives the following acts, to wit.

An act to admit Edward P. Postell to plead and practice in the several courts of law and equity in this state.

An act to appoint trustees of the Clark county academy, and to incorporate the same.

An act to authorise the justices of the Inferior court of Glynn county, to levy an extra tax, for the purpose of building a jail in said county.

An act to incorporate the Walthourville academy in the county of Liberty, and to appoint commissioners for the same.

An act to add to the name of Stephen Lacoste Harris of Chatham county.

An act to make permanent the site the of public buildings in the county of Houston, and to name the same.

An act to incorporate the trustees of the public cemetery of the village of Summerville.

Which were presented to and severally signed by the president of the senate.

Ordered, That the committee on enrollment do carry said several acts to his excellency the Governor for his revision.

The senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, 21st Nov. 1823.

Mr. McKinne gives notice that on to-morrow, he will, move for the appointment of a committee to prepare and report a bill to be entitled an act to incorporate the vilage of Jacksonsborough, in the conn-ty of Scriven, and to appoint commissioners for the same.

Mr. Blackshear, from the committee on the state of the republic, made the three following separate reports, which were severally read and agreed to, to wit :

1st. The committee on the state of the republic, to whom was referred that part of the communication of his excellency the Governor, relative to running and murking the dividing line between this state and the state of Alabama, Report,

That the subject of this reference is one of much interest to this state, and to your committee it appears, under existing circumstances, important that the running and marking of this line should be completed as soon as practicable.

They therefore respectfully recommend the following resolution :

*Resolved*, That his excellency the Governor be requested to continue those exer.ions which have already been commenced, to insure a speedy running and marking of the line dividing this state from the state of Alabama, in pursuance of a resolution of the last General Assembly.

2d. The committee on the state of the republic, to whom was ferrrd document No. 3, accompanying the communication of his excellency the Governor, the same being a copy of a letter from Duncan G. Campbell and James Merriwether, Esqs. on the subject of Indian reserves, beg leave to Report,

That they have had the same under consideration, and while they will not forbear the expression of their gratification on this renewed manifestation of the disposition of the general government to advance the interests of Georgia, they would at the same time avail themselves of the occasion to express the wish that the title of the Indians to the remaining reserves may be extinguished, and to recommend that the Governor of the state of Georgia be requested to correspond with the proper department of the general government on this subject.

3d. The committee on the state of the republic, to whom was referred the petition of Samuel Strong, of the county of Oglethorpe, having carefully examined its contents,

Report it inexpedient and impolitic to legislate on such a subject, the petitioner possessing all the power to dispose of his property, which could be vested in him by an act of this legislature.—They therefore desire to be discharged from the further consideration of this subject.

Mr. Bullock called up the report of the bank committee, laid on the table yesterday, which was read and amended by striking out the word "*immediately*" therein, was agreed to as amended.

Mr. Wimberly presented a petition from sundry citizens of Marion in the county of Twiggs—which was read and referred to a select committee consisting of messrs. Wimberly, Jones of Baldwin, and Bonner.

Mr. Bullock, from the committee appointed, reported

A bill to be entitled an act to legalise the official acts of Edmund C. Beard, sheriff of Bibb county, in certain cases—which was read the first time.

On motion of mr. Allen, of Burke,

*Resolved*, That the judiciary committee take into consideration the expediency of empowering the judges of the superior courts of this state to appoint proper persons to assign and set off each widow's right of dower, and that they have the liberty to report by bill or otherwise—which was read and agreed to.

On motion of mr. Sheffield,

The senate took up the bill to be entitled an act to alter and amend part of the 18th section of the estray law of this state, so far as respects the counties of Wayne, Camden and Glynn, which was reconsidered on Tuesday last—and the bill being read,

On the question "shall this bill now pass?" it was determined in the negative.

And the yeas and nays being required are—yeas 22, nays 32.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Baldwin	Powell
Baker	Little	Powers
Berrien	Mangham	Robinson
Bonner	Mann	Sheffield
Brown of Camden	Maxwell	Sterling
Brown of Hancock	McKinne	Worthy
Crawford	Montgomery of Jackson	Wimberly
Harper		

Those in the negative are,

Messrs.

Allen of Burke	Coffee	Lockheart of Bulloch
Barnett	Cook	Lockheart of Warren
Beatl	Gamble	McCrimmon
Blackshear	Garrison	Miller
Blackstone	Glenn	Montgomery of DeKalb
Bullock	Groves	Phillips of Jones
Burney	Jones of Newton	Phillips of Walton
Cleveland	Joice	Sellers

Strawn  
Swain  
Swilley

Tippins  
Walker  
Watson

Wilborn  
Wooten

Mr. Allen of Elbert, from the joint committee on agriculture and internal improvement, to whom was referred the communication of his excellency the Governor, dated 8th Nov. 1823, inclosing an address from the steam boat company, dated the 3d of Nov. 1823 making a tender to the state of one of their steam boats for the purpose of removing obstructions in the river Altamaha, Ocmulgee and Oconee, or either of them, made the following report, which was read and agreed to, to wit :

That they have made an estimate of the probable expense of working said steam boat, and find the same to amount to \$1000 per month, amounting to the sum of \$12,000 per annum, and for as much as the steam boat company is entitled, by the act of their incorporation, to the exclusive steam boat navigation of the aforesaid rivers, and must as such receive the exclusive profits arising from the improvement of the navigation of these rivers, your committee therefore deem it inexpedient to recommend an appropriation of money for this purpose, or to accept the proposal of said company, unless said company will surrender their charter.

Mr. Allen of Elbert, from the joint committee on agriculture and internal improvement, to whom was referred the petition of a number of the inhabitants of Appling county, reported further,

That although duly impressed with the importance of the subject, deem it inexpedient at this time to appropriate monies for the improvement of the Great Satilla River, particularly as no efficient and competent tribunal has yet been created to superintend the expenditures, which was also read and agreed to.

The senate again resolved itself into committee of the whole, on the bill to be entitled an act to alter and amend the 2d section of the 2d article of the constitution of the state of Georgia, mr. Montgomery of Jackson, in the chair.

The president again resumed the chair, and mr. Montgomery, from the committee, reported that they had gone through the bill without an amendment.

The senate took up the report—when,

Mr. Blackshear proposed to amend the report, by adopting the following substitute :

An act to alter and amend the second section of the second article of the constitution of the state of Georgia.

Whereas, the 2d section of the 2d article of the constitution is in the following words :

“ The Governor shall be elected by the general assembly, at their second annual session after the rising of this convention, and at every

second annual session thereafter, on the second day after the two houses shall be organized and competent to proceed to business."

And as the said section requires amendment—

*Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That as soon as this act shall have passed agreeably to the requisitions of the constitution, the following amendment shall be adopted in lieu of said section.*

The Governor shall be elected by electors chosen for that purpose by the people entitled to vote at the general elections for members of the general assembly, on the first Monday in October, in the year of our Lord 1825, and on the first Monday in October, in every second year thereafter, until such time shall be altered by law; which elections shall be at the place of holding general elections in the several counties in this state, in the same manner as is prescribed for the election of members of the general assembly.

Each county shall be entitled to a number of electors, equal to the whole number of senators and representatives to which the county may be entitled in the general assembly; but no senator or representative, or person holding an office of profit or trust under this state, shall be appointed an elector.

The electors shall meet at the seat of government on the        day of November, in the year of our Lord 1825, and on the said        day of November in every second year thereafter, and shall proceed by ballot to elect the Governor—The president of senate and speaker of the house of representatives shall preside at said election, and in all said elections for Governor, a majority of the votes present shall be necessary to an election.

And on the question to agree to the substitute, it was determined in the negative.

And the yeas and nays being required are—yeas 1, nays 52.

Those in the affirmative are,  
Messrs.

Blackshear

Those in the negative are,  
Messrs.

Allen of Burke  
Allen of Elbert  
Baker  
Barnett  
Beall  
Blackstone  
Berrien  
Bonner

Brown of Camden  
Brown of Hancock  
Bullock  
Burney  
Cleveland  
Coffee  
Cook  
Gamble

Garrison  
Glenn  
Groves  
Harper  
Jones of Baldwin  
Jones of Newton  
Joice  
Little

Lockheart of Bulloch	Phillips of Jones	Swain
Lockheart of Warren	Phillips of Walton	Swilley
Mangham	Powell	Tippins
Mann	Powers	Walker
Maxwell	Robinson	Watson
McKinne	Sellers	Worthy
McCrimmon	Sheffield	Wilborn
Miller	Sterling	Wimberly
Montgomery of DeKalb	Strawn	Wooten
Montgomery of Jackson		

The report being amended, was agreed to, and the bill read the third time.

And on the question "Shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required are—yeas 47, nays 8.

Those in the affirmative are,  
Messrs.

Allen of Burke	Harper	Phillips of Walton
Barnett	Jones of Baldwin	Powell
Blackstone	Jones of Newton	Robinson
Berrien	Joice	Sellers
Bonner	Lamkin	Sheffield
Brown of Camden	Little	Sterling
Bullock	Lockheart of Bulloch	Strawn
Burney	Lockheart of Warren	Swain
Cleveland	Mann	Swilley
Coffee	Maxwell	Tippins
Cook	McKinne	Walker
Crawford	McCrimmon	Watson
Gamble	Miller	Worthy
Garrison	Montgomery of DeKalb	Wilborn
Glenn	Montgomery of Jackson	Wooten
Groves	Phillips of Jones	

Those in the negative are,  
Messrs.

Allen of Elbert	Blackshear	Powers
Baker	Brown of Hancock	Wimberly
Beall	Mangham	

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to a resolution appointing John Burch notary public for the town of Washington and county of Wilkes.

To which they desire concurrence.

They have passed a bill to be entitled an act to repeal certain parts of an act passed the 9th December, 1822, entitled an act to amend the several acts establishing a mayor's court in the city of Augusta, and also the several acts incorporating said city, and to restore certain parts of former laws upon this subject.

A bill to be entitled an act to authorise the adjournment of the superior and inferior courts and courts of ordinary to certain cases by the officers therein named.

And a bill to be entitled an act to authorise the citizens of Baldwin county to establish common schools.

The house of representatives still adhere to their disagreement to the amendments of senate to the bill to revive amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, and request a committee of conference to join one already appointed by them, consisting of messrs. Daniel, Fort, Abercrombie, Upson and Singleton.

The house have agreed to the amendment of senate to the bill entitled an act to make permanent the site of the public buildings at the village of Clarksville in the county of Habersham, and to incorporate the same.

They have concurred in the resolutions of senate following, to wit;

In the resolution confirming the executive appointment of William Carnochan, Esq.

In the resolution appointing commissioners for the Crawford county academy.

In the resolution appointing a notary public for the county of Bibb.

In the resolution authorising the sale of certain fractions lying in the ninth district of originally Henry, now Walton county.

In a resolution appointing Allen Brown a notary public for the county of Clarke.

In the resolution appointing Mulford Marsh a notary public for the county of Scriven.

The house of representatives have agreed to a resolution appointing commissioners of the academy of the county of Monroe.

To which they desire concurrence.

And he withdrew.

Ordered, that said message lie on the table.

The senate resolved itself into committee of the whole on the bill to be entitled an act to sell and dispose of lots 10 and 100, reserved in the land lottery act passed 15th December, 1818, for the education of poor children, Mr. Crawford in the chair.

The president again resumed the chair, and Mr. Crawford reported the bill with amendments.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

On motion of Mr. Jones of Baldwin,

The honorable senator from the county of Morgan had leave of absence after to-morrow, until Thursday next.

On motion of mr. Powell,  
The honourable senator from the county of Warren had leave of absence until Thursday next.

The senate adjourned until to morrow morning, 9 o'clock.

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*SATURDAY, 22d Nov. 1828.*

On motion of mr. Brown, of Camden,  
The senate reconsidered so much of the Journal of yesterday as relates to the passage of the bill to be entitled an act to alter and amend part of the 18th section of the estray law of this state, so far as respects the counties of Wayne, Camden and Glynn.

Ordered that said bill lie on the table.

On motion of mr. Jones of Newton,  
The senate reconsidered so much of the Journal of yesterday as relates to the passage of the bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved by the land lottery act, passed the 15th December 1818, for the education of poor children.

Ordered that said bill lie on the table.

On motion,  
The honourable senators from the counties of Bibb and Pike had leave of absence during the next week.

And the honourable senators from the counties of Washington and Early until Tuesday next.

Mr. Brown of Hancock, from the joint committee on finance, reported as follows, to wit :

The joint committee on finance beg leave to Report, in part,  
That they have examined into the state and situation of the Treasury, and find that the warrants drawn by the Executive on the Treasurer in the last political year, agree with the entries on the books of the Treasurer, so far as the warrants have been presented to that department for payment, and that the Treasurer's books agree with the reports of the Comptroller and Treasurer, made to both branches of the legislature at the commencement of the session. The committee further report that they find in the treasury the sum of \$425,775 60 $\frac{1}{2}$ , in the following description of bills, specie and deposits, to wit :



State Bank bills	\$208,566 00
Darien do do	119 00 00
Planters do do	23,500 00
Augusta do do	17,000 00
944 French Crowns	1,658 40
Small Change in silver	18 1/2
Deposited in the Darien Bank and placed to the credit of George R. Clayton, Treasurer,	51,609 80 1/2
Deposited in the Planters' Bank, and placed to the credit of George R. Clayton, Treasurer.	2,567 21
	<hr/> \$425,775 60 1/2

Which was read and agreed to.

The senate took up the message from the house of representatives, of yesterday, and concurred in the resolution appointing John Burch a notary public for the town of Washington and county of Wilkes.

And in the resolution appointing commissioners of the academy for the county of Monroe.

The senate took up the subject matter of disagreement between the two houses on the bill to be entitled an act to revive, amend, and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, and agreed to a committee of conference, and appointed on their part messrs. Groves, Montgomery of Jackson, Cook, Walker, Lockheart of Bulloch.—and,

The several bills in said message were read the first time.

Agreesable to notice mr. McKinne moved for the appointment of a committee to prepare and report a bill to be entitled an act to incorporate the village of Jacksonborough, in the county of Scriven, and to appoint commissioners for the same.

Ordered, that messrs. McKinne, Baker and Tippins be that committee.

Mr. Bullock gives notice that he will, after to-day, move for the appointment of a committee to take into consideration the expediency of building a public bridge across the Ocmulgee river at the town of Macon, with power to report by bill or otherwise.

Mr. Bulloch also gives notice, that he will after to-day, move for the appointment of a committee to prepare and report a bill to alter and change time of holding the superior and inferior courts in the Flint circuit.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

I am directed to inform the senate that the house of representatives are now ready to receive them in the representative chamber

for the purpose of proceeding to the election of the several state house officers, in pursuance of a concurred resolution.

And he withdrew.

Whereupon the senate repaired to the representative chamber, and being seated, both branches of the general assembly proceeded by joint ballot to the election of a secretary of state.

And on counting the ballots it appeared that Everard Hamilton was duly elected secretary of state.

They proceeded in like manner to the election of a Treasurer.

And on counting out the votes, it appeared that George R. Clayton was duly elected treasurer.

They then proceeded in like manner to the election of a comptroller general.

And on counting out the votes it appeared that William Triplett was duly elected comptroller general.

They then proceeded in like manner to the election of a surveyor-general.

And on counting out the votes, it appeared that Thomas Mitchell was duly elected surveyor-general.

The senate returned to their chamber, and adjourned until Monday morning next 10 o'clock.

*MONDAY, 24th Nov. 1823.*

Mr. Sellers, from the committee appointed, reported

A bill to be entitled an act to authorise the justices of the Inferior court of Henry county to convey to the trustees or commissioners of the Baptist society, and also to the trustees or commissioners of the Methodist society, a lot of land each, for the purpose of erecting buildings thereon for public worship—which was read the first time.

Mr. Berrien had leave to introduce a bill, instanter, to be entitled an act to incorporate the St. Andrews society of the city of Savannah, in the county of Chatham, which was read the first time.

On motion,

*Resolved by the Senate and House of Representatives of the State of Georgia,* That Samuel Gillaspie, be and he is hereby appointed vendue master for the town of Macon in the county of Bibb.

Mr. Powell presented a petition from sundry citizens of McIntosh county—which was read and ordered to lie on the table.

Mr. Powell had leave to introduce, instantler, a bill to be entitled an act to authorise the commissioners of McIntosh county academy, to establish one or more schools for the education of poor children—which was read the first time.

Mr. Brown of Camden, from the committee of enrollment, reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, viz :

An act to alter and change the names of Winney B. James F. and William A. Osborn, to that of Winney B. James F. and William A. Newsom.

An act to authorise the justices of the Inferior court of the county of Hall to remit a fine incurred by Michael Dickson.

An act to incorporate Harmony academy in the county of Putnam.

An act to open a new road in the county of Camden, and to authorise Lewis Bachlott, Gustavus A. Cox, and Belton A. Copp, as commissioners raise a certain sum of by lottery for that purpose.

And an act to carry into effect the last will and testament of James Robinson, late of Greene county, deceased, so far as to emancipate a female slave by the name of Chloe.

Which were presented to and signed by the president of senate.

Ordered, That the committee on enrollment do carry said acts to his excellency the Governor for his revision.

Mr. Miller presented a petition from Ralph Cobb, which was read and referred to a select committee.

Ordered, That messrs. Miller, Berrien, and Montgomery of Jackson be that committee.

On motion of mr. Powell,

The honourable senator from the county of Houston had leave of absence until Saturday next.

Mr. Powers had leave to introduce, instantler, a bill to be entitled an act to amend the estray laws of this state, so far as relates to the time of advertising and tolling horned cattle, sheep, goats and hogs, before they are sold—which was read the first time.

On motion of mr. Blackshear,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of reporting a bill to enable a jury to find a divorce on legal principles, for acts of either of the parties, after as well as before the contract of matrimony is entered into.

On motion of mr. Blackshear,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of reporting a bill to have for its object so to amend the penal code as not to subject persons convicted of crimes resulting from heat of passion or self-defence, to penitentiary punishment, but in the usual mode.

On motion of Mr. Blackshear,

*Resolved*, That messrs. Blackshear, Powell, and Gamble, be a committee on the part of senate to join such as may be appointed on the part of the house of representatives, to examine and deliver to the Secretary of State elect the books and papers in that office.

*Resolved*, That messrs. Montgomery of Jackson, Maxwell, and Jones of Newton, be a committee on the part of senate to join such as may be appointed on the part of the house of representatives to examine the books and papers in the Surveyor-General's office and Comptroller's office, and deliver them over to the present officers elect.

Mr. Berrien presented the following report, viz :

It being represented to the senate that William Robertson, Esq. late secretary of this house, hath departed this life yesterday at the seat of government, in indigent circumstances.

And it appearing to this house that it is a just tribute of respect to the memory of a man, whose public services has been so long devoted to the people of Georgia, and to this house in particular, that the funeral of the deceased should be conducted under its immediate superintendence, and at the public expense.

*Therefore resolved*, That messrs. Berrien, Walker, Coffee, Groves and Baker, be a committee to make the necessary arrangements for the funeral of the said William Robertson, Esq. and that they report thereon without delay to this house, to the intent that the president and members, and officers of this house may attend the same.

*And be it further resolved*, That the Governor be and he is hereby requested to defray, out of the contingent fund, the expenses of the funeral and last sickness of the said William Robertson, Esq.

Which was read and unanimously agreed to.

The following bills were severally read the second time and ordered for a third reading :

A bill to be entitled an act to alter and amend the first section of an act entitled an act to lay out four new counties from the counties of Houston, Twiggs, Monroe, Jones, Henry, Fayette, and Gwinnett, and to attach the said new counties to the Flint circuit.

A bill to be entitled an act to establish and fix the name of the academy at Mount Zion, in the county of Hancock, and to incorporate the trustees thereof.

The following bills were severally read the second time and ordered for committee of the whole, viz. :

A bill to be entitled an act to compel the clerks of the inferior courts in the several counties in this state, annually at the first term of the superior court in their respective counties, to make and exhibit to the grand jury a statement of the county funds, shewing the receipts and expenditures of said counties for the preceeding year.

A bill to be entitled an act to grant and secure to the commissioners of the incorporation and citizens of the town of Macon, Bibb county, four acres of ground at or near Fort Hawkins, for the purpose of a public burying ground.

A bill to be entitled an act to legalize the official acts of Edmund O. Beard, sheriff of Bibb county, in certain cases.

A bill to be entitled an act to compel executors and administrators to notify widows to make their election, and amendatory to the 4th section of an act entitled an act for the more effectually securing the probate of wills, limiting the time for executors to qualify and widows to make their election passed the 10th of December, 1807.

A bill to be entitled an act to authorize the citizens of Baldwin county to establish common schools.

A bill to be entitled an act to authorise and empower justices of the Inferior court throughout this state to remit fines and forfeitures in certain cases,—and

A bill to be entitled an act to authorise the adjournment of the Superior and Inferior courts and courts of Ordinary in certain cases by the officers therein named.

The following bill was read the third time and passed, viz :

A bill to be entitled an act to amend an act entitled an act to amend an act to appoint commissioners for the better regulation and government of the town of Milledgeville, passed the 10th day of December, 1812.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to add a part of the county of Newton to the county of Henry, mr. Wimberly in the chair.

The president resumed the chair, and mr. Wimberly reported they had disagreed to the bill.

The senate took up the report of the committee which was agreed to.

The senate resolved itself into committee of the whole on the bill to be entitled an act to vest in and authorise the commissioners of Hall county academy to dispose of one half of lot No. 48, in the tenth district of said county, mr. Montgomery of De Kalb in the chair.

The president resumed the chair, and mr. Montgomery reported they had disagreed to the bill.

The senate took up the report which was agreed to.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to provide for the punishment of slaves offending capitally and making compensation to the owners of the same, mr. Maxwell in the chair.

The president resumed the chair, and mr. Maxwell reported progress and had leave to sit again.

A message from the house of representatives by mr. Dawson, their clerk.

*Mr. President,*

The house of representatives have passed a resolution appointing notaries public for the county of Lincoln.

To a resolution appointing notaries public for the county of Chatham.

To a resolution calling on his excellency for certain information relative to the opening of a road from the Alapaha to the Florida line.

To a resolution in favor of Isaac Horn, appropriating money for certain services rendered by him.

The house of representatives have passed the following bills, to wit :

A bill to be entitled an act to alter the name of Francis Desjardins of Chatham county.

A bill to be entitled an act to place the Darien Hussars on the same footing as the Independent Troop in the county of Liberty.

A bill to be entitled an act to amend an act passed on the 21st day of December, 1821, to amend an act to incorporate the town of Clinton in the county of Jones, and for the appointment of commissioners for the better regulation and government of said town, passed the 4th day of December, 1816.

And a bill to be entitled an act to fix the term of demand upon makers of promissory notes, acceptors of bills of exchange, and notice to the endorsers and drawers thereof, the manner of commencing suits against endorsers, makers, drawers, and acceptors of notes and bills of exchange, and to give the endorsers and drawers of notes and bills of exchange, controul of executions in certain cases.

And he withdrew.

The senate took up the message, and concurred in the resolution appointing notaries public for the county of Lincoln,—and

In the resolution appointing notaries public for the county of Chatham.

The resolution calling on his excellency the Governor for certain information, relative to the opening a road from the Alapaha to the Florida line,—and,

The resolution in favour of Isaac Horn, appropriating money for certain services rendered by him, were severally read and ordered to lie on the table.

The several bills contained in said message were read the first time.

On motion of mr. Crawford,

*Resolved*, That one hundred and fifty copies of the bill to be entitled an act to provide for the punishment of slaves offending capitally and for making compensation to the owners of the same, be printed for the use of the members of both branches of the general assembly.

On motion of mr. Strawn,

*Resolved*, That Collin Alford be and he is hereby appointed a notary public for the county of Fayette.

The senate took up the bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved by the land lottery act passed the 15th Dec. 1818, for the education of poor children.

Which on motion was recommitted to a select committee consisting of messrs. Montgomery of Jackson, Jones of Newton, and Berrien.

A message from the house of representatives by mr. Dawson, their clerk:

*Mr. President,*

The house of representatives have concurred in the resolution of senate appointing a joint committee to examine and deliver over to the secretary of state elect, the books and papers in that office, and have joined a committee on their part, consisting of messrs. Abercrombie, Hutchinson, Campbell, Selman and Day.

And also in the resolution appointing a committee to examine the books and papers in the surveyor-general's office and comptroller's office, and deliver them over to the present officers elect, and have joined a committee on their part consisting of messrs. Jones of Lincoln, Golding, Watkins, Anderson and Daniel.

And he withdrew.

Mr. Berrien from the committee appointed to make arrangements for the funeral of William Robertson, Esq. late secretary of the senate, reported,

That the committee had made the necessary arrangements for that purpose—That they had waited on the Rev. William Capers, who would attend on the interment of the deceased. That the committee had in the name of the senate, invited his excellency the Governor, the speaker and members of the house of representatives with all the state-house officers to attend the interment of the deceased, this evening at 3 o'clock and that the funeral procession be formed at the house of Mr. Betton at that time, and proceed to the place of interment in the following order.

1. the clergy with the committee of arrangements.
2. The corpse, supported by six members of the senate as pall bearers.
3. The president and members of the senate as chief mourners, two and two.
4. The Governor and state-house officers.
5. The speaker and members of the house of representatives, two and two.
6. Citizens, two and two.

The senate adjourned until to-morrow morning 10 o'clock.

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*TUESDAY, 25th Nov. 1823.*

On motion of mr. Sellers,

The senate reconsidered so much of the Journal of yesterday as relates to the passage of the bill to be entitled an act to add a part of the county of Newton to the county of Henry.

On motion of Mr. Lockheart of Bulloch,  
Ordered, That the honorable member from the county of Wilkinson, be added to the penitentiary committee.

On motion,  
The honorable member from the county of Crawford had leave of absence until Tuesday next.

On motion of Mr. Gamble,  
The honorable member from the county of Monroe had leave of absence until Tuesday next.

Mr. Jones of Newton, from the committee appointed reported  
A bill to be entitled an act to amend the 43d section of an act entitled an act for the governing of slaves within this state, passed the 10th day of May, 1770—which was read the first time.

The following bills were severally read the second time, and ordered for a third reading, viz :

A bill to be entitled an act to incorporate the St. Andrews society in the city of Savannah, in the county of Chatham.

A bill to be entitled an act to authorise the commissioners of McIntosh county academy to establish one or more schools for the education of poor children.

A bill to be entitled an act to place the Darien Hussars on the same footing as the independent troops in the county of Liberty.

A bill to be entitled an act to amend an act passed on the 21st day of December, 1821, to amend an act to incorporate the town of Clinton, in the county of Jones, and for the appointment of commissioners for the better regulation and government of said town, passed 4th day of December, 1816—and,

A bill to be entitled an act to alter the name of Francis Desjardins.

The following bills were severally read the second time, and ordered for committee of the whole, viz :

A bill to be entitled an act to amend the estray laws of this state so far as relates to the time of advertising and tolling horned cattle, sheep, goats and hogs, before they are sold

A bill to be entitled an act to fix the time of demand upon makers of promissory notes, acceptors of bills of exchange, and notice to the endorsers and drawers, the manner of commencing suits against endorsers, makers drawers, and acceptors of notes and bills of exchange, and to give the endorsers and drawers of notes and bills of exchange control of executions in certain cases.—and,

A bill to be entitled an act to authorise the justices of the Inferior court of Henry county to convey to the trustees or commissioners of the Baptist society, and also to the trustees or commissioners of the Methodist society, a lot of land each, for the purpose of erecting buildings thereon for public worship.

The following bills were severally read the third time and passed viz :



A bill to be entitled an act to establish and fix the name of the academy at Mount Zion in Hancock county, and to incorporate the trustees thereof.—and,

A bill to be entitled an act to alter and amend the first section of an act entitled an act to lay out four new counties from the counties of Houston, Twiggs, Monroe, Jones, Henry, Fayette, and Gwinnett, and to attach the same to the Flint circuit.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to authorise the justices of the Inferior court throughout this state to remit fines and forfeitures in certain cases, mr. Holt in the chair.

The president resumed the chair, and mr. Holt reported progress and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to repeal certain parts of an act passed 9th Dec. 1822, entitled an act to amend the several acts establishing a Mayor's court in the city of Augusta, and also the several laws incorporating said city, mr. Berrien in the chair.

The president again resumed the chair, and mr. Berrien reported progress, and had leave to sit again.

The senate resolved itself into a committee of the whole, on the bill to be entitled an act to authorise the adjournment of the Superior, Inferior and courts of Ordinary, by the officers therein mentioned in certain cases, mr. Blackshear in the chair.

The president resumed the chair, and mr. Blackshear reported they had gone through the bill with an amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to compel the clerks of the inferior courts in the several counties in this state, annually at first term of the Superior court in their respective counties, to make and exhibit to the grand jury a statement of the county funds, shewing the receipts and expenditures of the said counties for the preceding year, mr. Blackshear in the chair.

The president resumed the chair, and mr. Blackshear reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And the bill was read the third time and passed.

On motion of mr. Jones of Baldwin,

The honorable member from the county of Early, had leave of absence until Thursday next.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to compel executors and administrators to notify widows to make their election, and amendatory to the 4th section of an act entitled an act for the more effectually securing the probate of wills, limiting the time for executors to qualify and widows to make

their election, passed the 10th day of Dec. 1807, mr. Cleveland in the chair.

Mr. president resumed the chair, and mr. Cleveland reported they had gone through the bill with an amendment.

The senate took up the report of the committee which was agreed to. And the bill read the third time and passed.

The following communication was received from his excellency the Governor, by his secretary, mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 25th Nov. 1823. }

By an act of the 18th Dec. 1816, relating to certain offices, it is provided that the several offices therein mentioned be filled by other authority than that of the legislature.

Since the passage of this act some deviations from what it prescribes are remarkable. Your attention is called to it, that in practice for the future a uniform mode of appointment may be adopted, and that if any thing in the past be irregular it may be corrected. The difference referred to between the law and the practice (being one of error or of oversight) can easily be rectified. Whether it be advisable to sustain the law of 1816, or to repeal it. It may be thought proper to declare by law that the acts of certain officers appointed under resolutions, shall be as valid as if the same officers had been appointed in conformity with the provisions of the act of 1816.

Signed,

G. M. TROUP.

Which was read and referred to the judiciary committee.

Mr. Groves from the committee of conference, to whom was referred the subject matter of disagreement between the two branches on the bill to revive, amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, reported,

That they recommend the senate to recede, and concur with the house of representatives—which was read, and ordered to lie on the table.

The senate took up the resolution of the house of representatives, authorising the Governor to pay to Isaac Horn, the sum of \$37 37½ that being the sum expended by him in going after and bringing from the state of Alabama James Covey, a fugitive felon in this state, and the further sum of \$44, as a compensation for his time and trouble—which was read.—and,

Mr. Crawford offered the following as a substitute, viz :

*Resolved*, That the petitioner be referred to the Inferior court of Wilkinson county, or to the liberality of the good citizens of said county, for reimbursing to him the sum of \$37 37½ expended by him,

and the further sum of \$44, as a compensation for his trouble for pursuing and bringing from the state of Alabama James Covey, a fugitive felon from this state—which was also read, and together with the original resolution, ordered to lie on the table.

A message from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have concurred in the resolution of senate appointing a notary public for the county of Glynn, with an amendment.

In the resolution of senate appointing a notary public for the county of Henry.

In the resolutions appointing commissioners and trustees for the Early county academy.

In the report of the joint committee on finance, relative to the state and situation of the treasury.

In the report of the joint committee on the state of the republic, relative to the running and marking the dividing line between this state and the state of Alabama.

In the report of the joint committee on the state of the republic, on the petition of Samuel Strong of Oglethorpe county.

In the report of the joint committee on agriculture and internal improvement on the petition of the inhabitants of Appling county.

In the report of the committee on agriculture and internal improvement, on the tender of the steam boat company of the use of one of their steam boats, for the purpose of removing obstructions in the rivers Altamaha, Ocmulgee and Oconee.

In the report of the joint committee on banks, relative to the expediency of establishing a branch bank at the town of Macon.

The house of representatives have agreed to the amendments of senate to the bill to legalise certain draws of fractions in the late land lottery of this state, and to vest the titles therefor in the persons drawing the same.

And they have passed a bill to be entitled an act to alter so much of an act entitled an act to regulate general elections in this state and to appoint the time of meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the Superior courts, so far as respects the county of Hall, and an act passed on the 18th Dec. 1816, relating to the county of Franklin.

The house of representatives have appointed a committee to join such committee as may be appointed by senate to enquire into the expediency of employing the clerk of the house and the secretary of senate, to index certain journals of both branches.

To which they desired concurrence.

And he withdrew.

The senate took up the message from the house of representatives and concurred in the resolution appointing a joint committee to en-

quire into the expediency of employing the clerk of the house of representatives and the secretary of senate, at a reasonable compensation, in making an index or indexes to the journals which were in their respective offices, with power to report by bill or otherwise, and joined a committee on their part consisting of messrs. Jones of Baldwin, Berrien, Holt, Gamble, and Cook.

And the bill contained in said message was read the first time.

The senate adjourned until to-morrow morning 10 o'clock.

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*WEDNESDAY, 26th Nov. 1823.*

Mr. Brown from the committee of enrollment reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, viz :

An act to authorise Hinson Gresham, executrix of the last will and testament of Young Gresham, deceased, to establish a ferry over the Oconee river.

An act to make permanent the site of the public buildings in the county of Pike, to name and incorporate the same.

An act to make permanent the site of the public buildings at the village of Clarksville in the county of Habersham and to incorporate the said village.

Which were presented to and severally signed by the president of the senate.

Ordered, That the committee on enrollment do carry said acts to his excellency the Governor for his revision.

Mr. Jones of Newton had leave to report a bill instanter, to be entitled an act to incorporate the Leaksville academy in the county of Newton, which was read the first time.

Mr. McKinne from the committee appointed, reported

A bill to be entitled an act to incorporate the village of Jacksonborough in the county of Scriven and to appoint commissioners for the same, which was read the first time.

On motion of mr. Gamble,

*Resolved*, That the joint judiciary committee be instructed to enquire if any, and what alterations are necessary to be made in relation to the mode of proving in this state, deeds, specialties, and pow-

ers of attorney made in other states, within the United States, with power to report by bill or otherwise.

On motion of Mr. Holt,

*Resolved*, That the penitentiary committee be instructed to enquire into the expediency and practicability of classing the convicts in the penitentiary so as to confine persons guilty of different grades of crime in different apartments and that they be authorised to report by bill or otherwise.

Mr. Berrien from the joint judiciary committee made the following report :

The committee to whom was referred the resolution which required the joint judiciary committee to take into consideration the propriety of abolishing the penitentiary system, and bringing into operation a code of penal laws necessary to supply its place with power to report by bill or otherwise, report,

That they have had the same under consideration, and are of opinion that the evils complained of against the said institution have arisen rather from improper police regulations which the committee think are very susceptible of improvement, than from any radical defect of the system. That the penitentiary edifice has been erected by the state at a heavy expence, and that the same is now in a state of considerable advancement, and although all the benefits anticipated from the institution have not yet been realized, yet the committee are extremely unwilling that the penitentiary system should be relinquished unless upon a full and fair experiment, the end and design of the said institution should be ascertained to be impracticable, which experiment the state has not yet made, and so far as the same has progressed, your committee are inspired with a hope that under more perfect internal regulations much good will result from a continuance of the system they therefore respectfully recommend a continuance of the Penitentiary system under such additional regulations for the internal improvement of the same as the experience and wisdom of the legislature may suggest.

Which was read and ordered to lie on the table.

Mr. Cleveland, from the committee appointed to take into consideration the propriety of laying off the state into seven congressional districts, and report thereon,

That they have taken the same under consideration, and on examining the enumeration list taken by the authority of the United States find that there has been an omission in several counties, and there being other counties organized since that date. Your committee not having any correct data to be governed by, and as an act having passed the present session for taking the census, your committee recommend the further consideration of this subject until a total census of this state be generally ascertained.

Which was read and agreed to.

Mr. Coffee called up the resolution requesting his excellency the Governor to lay before the legislature the measures, if any, which have

been taken by the Executive under the authority of an act passed the 23d December, 1822, to authorise the opening a road from Alapaha to the Florida line, particularly who were appointed to superintend the opening said road, what instructions were given, how the work has been executed, how much money has been drawn from the treasury on account of the same, and to whom paid.

Which was read and concurred in.

Mr. Berrien had leave to introduce a bill, instanter, to be entitled an act to authorise Eugenius A. Nesbit to plead and practice as an attorney and solicitor in the several courts of law and equity in this state, which was read the first time.

A communication from his excellency the Governor, by his secretary mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA. }  
Milledgeville, 26th Nov. 1823. }

In compliance with a resolution of the senate of the 19th inst. I send all the information which the records of this department afford respecting the appropriations of public money for the improvement of the navigation of Briar Creek. The result is, that the whole amount of appropriation has been drawn by the commissioners, viz. eight thousand dollars. That no returns have been made of the amount expended, or of the manner in which the expenditure has been applied. Your attention is particularly invited to this subject.—First, because the whole amount of the appropriation had been already drawn on the 29th of April, 1820.—Secondly, because the law explicitly requires that “the commissioners shall make fair, just, and regular returns semi annually to the Governor, of all disbursements and the progress in the improvement of the navigation of said creek,” and no returns whatever having been made to this office, the inference is—1st. a neglect of duty manifestly,—and, 2dly. a reasonable presumption from such neglect, that the funds may have been misapplied. The law of the 19th December, 1818, having provided, that the treasurer of the board of commissioners should give bond and security for the faithful application of the money, and that the superintendent or undertaker of the work should also give security for the faithful discharge of his duty, the state, if loss has been sustained either by neglect or misapplication, may yet have the means of indemnity or reimbursement.

Signed,

G. M. TROUP.

Which was read, and together with the accompanying documents, referred to the committee on internal improvement.

Mr. Gamble had leave to introduce a bill instanter, to be entitled an act to amend the ninth section of the third article of the constitution of this state, which was read the first time.

SEN.

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On motion of Mr. Montgomery of Jackson,

The senate took up the report of the joint committee of conference on the subject matter of disagreement between the two houses on the bill to be entitled an act to revive, amend, and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, which was read.

And on the question to agree to the report it was determined in the affirmative.

And the yeas and nays being required are—yeas 30, nays 17.

Those in the affirmative are,

Messrs.

Allen of Elbert	Crawford	McKinne
Baker	Gamble	Miller
Barnett	Glenn	Montgomery of DeKalb
Beall	Groves	Montgomery of Jackson
Blackshear	Harper	Phillips of Jones
Berrien	Holt	Phillips of Walton
Brown of Hancock	Jones of Baldwin	Robinson
Burney	Little	Strawn
Cleveland	Mingham	Walker
Cook	Maxwell	Wimberly

Those in the negative are,

Messrs.

Allen of Burke	Lockheart of Bulloch	Swain
Brown of Camden	McCrinmon	Swilley
Coffee	Powell	Tippins
Garrison	Powers	Worthy
Jones of Newton	Sellers	Wooten
Joice	Sheffield	

The following bills were read the second time and ordered for committee of the whole, viz. :

A bill to be entitled an act to alter and amend the 43d section of an act for the ordering and governing slaves within this state passed the 10th day of May, 1770,—and,

A bill to be entitled an act to alter so much of an act entitled an act to regulate the general elections of this state and to appoint the time of the meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the Superior courts, so far as respects the county of Hall, and an act passed on the 18th December, 1816, relating to the county of Franklin.

The following bills were severally read the third time and passed, viz. :

A bill to be entitled an act to incorporate the St. Andrews society of the city of Savannah, in the county of Chatham.

A bill to be entitled an act to authorise the commissioners of McIntosh county academy to establish one or more schools for the education of poor children.

— A bill to be entitled an act to alter the name of Francis Desjardins of Chatham county,

— A bill to be entitled an act to place the Darien Hussars on the same footing as the Independent Troop in the county of Liberty.

And a bill to be entitled an act to amend an act passed on the 21st day of December, 1821, to amend an act to incorporate the town of Clinton, in the county of Jones, and for the appointment of commissioners for the better regulation and government of said town passed the 4th day of December, 1816.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to authorise the justices of the Inferior court of Henry county to convey to the trustees or commissioners of the Baptist society, and also to the trustees or commissioners of the Methodist society, a lot of land each, for the purpose of erecting buildings thereon for public worship, Mr. Lockheart of Bulloch in the chair.

The president resumed the chair, and Mr. Lockheart reported they had gone through the bill with amendments.

The senate took up the report of the committee, which was agreed to, and the bill read the third time and passed, under the title of a bill to be entitled an act to authorise the justices of the Inferior court of Henry county to convey to the trustees or commissioners of the Baptist society, to the commissioners or trustees of the Methodist church, and also to the trustees or commissioners of the Presbyterian society a lot of land each, for the purpose of erecting buildings thereon for public worship.

The senate resolved itself into committee of the whole on a bill to be entitled an act to fix the time of demand upon makers of promissory notes, acceptors of bills of exchange, and notice to the endorers and drawers thereof, the manner of commencing suits against endorers, makers, drawers and acceptors of notes and bills of exchange, and to give the endorers and drawers of notes and bills of exchange control of executions in certain cases, Mr. Walker in the chair.

The president resumed the chair, and Mr. Walker reported progress and had leave to sit again.

The senate resolved itself into committee of the whole on a bill to be entitled an act to amend the stray laws of this state, so far as relates to the advertising and tolling horned cattle, sheep, goats or hogs, before they are sold, Mr. Phillips of Jones in the chair.

The president resumed the chair, and Mr. Phillips reported they had gone through the bill without amendment.

The senate took up the report of the committee, which was agreed to. And the bill read the third time and passed.

The senate again resolved itself into committee of the whole, on the bill to be entitled an act to repeal certain parts of an act passed the 9th December, 1822, entitled an act to amend the several acts establishing a mayor's court in the city of Augusta, and also the several acts incorporating said city, Mr. Berrien in the chair.

The president again resumed the chair, and Mr. Berrien reported they had gone through the bill with amendment.



The senate took up the report of the committee, which was agreed to, And the bill read the third time and passed under the following title, A bill to be entitled an act to repeal the proviso of the first section of an act passed the 9th December, 1822, entitled an act to amend the several acts establishing a mayor's court in the city of Augusta, and also the several laws incorporating said city, and to restore certain parts of former laws upon this subject.

Mr. Jones of Baldwin, reported instantler, a bill to be entitled an act to authorise the commissioners of the town of Milledgeville to convey a lot to each and every religious society for a parsonage lot—which was read the first time.

Mr. Coffee laid before the senate the following report from the comptroller-general.

COMPTROLLER GENERAL'S OFFICE, GEO. }  
Milledgeville Nov. 26, 1823. }

In compliance with a concurred resolution of the 24th November, inst. I have procured the report of the late Comptroller-general which was made in compliance of a resolution of 1821, by which it appears that the amount of sales of the Fractions in the counties of Walton, Gwinnett, Hall, Habersham and Rabun, is \$65,401 12 Cash received by the said commissioners, \$21,685 87 And from the books it appears that they paid into the Treasury the sum of \$18,000 leaving in their hands a balance due the state of \$3,685 87.

All of which is respectfully submitted.

Signed,

WM. TBIPLETT, *Comptroller-General.*

Amount of sales,	- - - - -	\$65,401 12
Cash received,	- - - - -	\$21,685 87
Bonds	- - - - -	42,672 28
Discount allowed for prompt payment,	- - - - -	1,042 97
		<hr/> \$65,401 12

Which was read and ordered to lie on the table.

Mr. Crawford from the committee appointed, reported

A bill to be entitled an act to legalize the official acts of judges of the Superior courts, assistant justices, justices of the Inferior court and justices of the peace, in certain cases, which was read the first time.

Mr. Jones of Newton, from the committee to whom was recommit-  
ted the bill to be entitled an act to sell and dispose of lots Nos. 10  
and 100, reserved by the land lottery act, &c. reported

A bill to be entitled an act to sell and dispose of lots Nos. 10 and  
100, reserved by the land lottery act, passed the 15th December 1818,  
for the education of poor children, which was read the first time.

On motion of mr. Beall,

The senate took up the resolution in favor of Isaac Horn of Wil-  
kinson county, which was amended and agreed to as follows,

*Resolved*, That the Executive be and he is hereby authorised and requested to pay Isaac Horn such expenses as shall satisfactorily appear to him to have been actually incurred by the said Isaac Horn, in apprehending securing and bringing the said James Covey from Alabama to the county of Wilkinson in this state.

On motion of Mr. Powers,

*Resolved*, That the joint judiciary committee be and they are hereby required to take into consideration the propriety of passing a law to make valid the grants issued by Simon Whitaker, while acting as secretary of state under an executive appointment, with power to report by bill or otherwise.

Mr. Berrien from the select committee to whom was referred the memorial of Mathias Maher and others, laid on the table the following Report :

The committee to whom was referred the petition of Mathias Maher, Ebenezer Jackson and Arthur Harper for himself, and as the legal representative of Quentin Hamilton, dec'd. Report,

That they have had the same under consideration, and have concurred in the belief, that they will best perform the trust which has been confided to them by the senate, by a statement of the claim of the petitioners, with reference to the evidence of its genuineness, the documents relied upon to illustrate its character, and the various acts of the legislature connected with it; adding thereto such observations as may have occurred to them in the progress of their investigation.

The claim of the petitioners, amounting to the sum of \$37,507 40 $\frac{1}{2}$ , is founded on sundry evidences usually denominated "Audited Certificates," bearing date at different periods from the year 1785 to the year 1804, signed by John Wereat, Auditor, and James Meriwether, Comptroller General.

The committee have carefully examined these certificates, and have resorted to such information as they could obtain relatively to the signatures, by which they purport to be authenticated, and are entirely convinced of their genuineness and authenticity. With a view to satisfy themselves as to the character of these outstanding evidences of the public debt, the committee have availed themselves of such information as they could derive from such persons, as from their present, or former official situations, were presumed to be most conversant with the history of the public debt, and the motives to, and causes of, the various mutations, to which it has been subjected by legislative enactments. In this part of their investigation they have derived aid from the written communications of David Brydie Mitchell and Eleazer Early, Esqs. herewith submitted, and the verbal representations of others, holding or having held public offices at the seat of government.

The committee having ascertained that this claim, had been heretofore presented to the legislature—have also examined the report made

and accepted by a former legislature, which is herewith also submitted. They have finally collated with care, the several legislative acts, from which the history of the public debt may be deduced, and are now to state to the senate the result of their enquiries.

The war which eventuated in the severance of these colonies from the parent country, in the establishment of the rights of the American people on a basis which time has served only to render more solid, was a contest of no ordinary character, but was commenced and prosecuted under circumstances of great and peculiar embarrassment.—It was, and yet remains without its parallel on the page of history.—Those who conducted it were destitute of money, which is the sinew of war, of all which may properly be denominated its *materiel*. The objects of purchase were limited in quantity, the means of transportation restricted, and difficult to be obtained. Their sole resource was in that living fire of patriotism which burned within—of which the light was only rendered more vivid, in contrast with the external gloom. The termination of that war was essential to enable even the actors in it to form any just conception of the difficulties under which success had been achieved. While danger menaced, while the government was pressed by an invading foe, individual claims were generally withheld from the public eye; sometimes from motives of patriotism, perhaps sometimes too from absolute hopelessness. When danger was at an end, and the government, firmly established on the basis of equal rights, imparted to all, the blessings of civil liberty, it was natural to recur to the means by which these blessings had been obtained. The slightest reference served to ascertain this fact, *that a benefit common to all, had been obtained by the exertions of a part, and that even among these the contributions to the public service had been unequal and disproportionate.* The soldier had contributed his personal service—the husbandman had given up the fruits of his labor—the public agent had exhausted his private funds and private credit; all had been offered up for the public service in the hour of danger, and thousands were now enjoying the benefits thus secured, without having in any degree assisted to obtain them. To equalize the contribution by which this common benefit had been obtained, was a principle of pure and abstract justice, which no man ventured to deny; and accordingly our statute book bears witness that our predecessors in this department, very early took means to ascertain and liquidate, and provide for the payment of claims against the public, which had grown up during the war. But a portion of our population had not been merely idle spectators of the contest—They had not contented themselves with simply abstaining from assisting their countrymen, in the struggle in which they were engaged, but were found in arms against them, or otherwise giving aid and succor to the common enemy. Of such a conduct, the righteous, the inevitable, and the mildest doom was a forfeiture of those rights of which they had sought to deprive us. The property thus confiscated to the state, constituted a fund applicable to the public exigencies, and the clearer principle of retributive justice, seemed to be realized by applying the property and effects of the traitor, to compensate the labors and sacrifices of the patriot. Accordingly, so early as the year 1778, we find the legislature making the

following enactment: "All sum and sums of money arising from all and singular the sales of both real and personal estates (made under the confiscation act,) shall be employed towards calling in and sinking the certificates and bills of credit, issued by this state for the public security and defence, and towards defraying and discharging the quota of this state, of the expenses and disbursements of the United States, in the present war with Great Britain, &c. &c."

The act of January, 1782, authorised the issue of further certificates on the credit of those estates—gave to the heads of departments the right to issue them, "in making contracts for provisions or other necessities for the armies, or other uses of the state, or in settling those already made"—empowered the Governor to issue them for various other purposes—prescribed the rates at which they should be issued, and provided the necessary checks against imposition on the public. The act of February, 1783, again recognized those certificates, by providing that on the purchase of confiscated property, one moiety might be paid "in certificates of this state founded upon some law or resolve of the Assembly, of any description whatever, under the hands of the present, or the last, or any future Governor, &c. &c. or in accounts, by way of discount, against the public, duly audited and certified agreeably to the resolves of assembly, &c. &c. and such certificates or audited accounts, being due either to the respective purchasers themselves, or transferred, (though not appearing on the face of them to be negotiable,) to them, or any of them, by any other person or persons whatsoever." The same act also provides for the renewal of those certificates, or audited accounts, held by persons who had not applied them to the purchase of confiscated property, by exchanging them under the regulations, and within the time specified for others, which were thereby declared to be a funded debt, redeemable in seven years, with seven years interest, and payable in gold and silver; and recognized anew in the hands of their possessors, the validity of certificates given by commissaries for the use of the army, and appointed a board for their settlement, inhibiting any person holding a claim against the state from suing the state as such. It moreover provided, that the accounts of officers and soldiers of the Georgia line, liquidated as therein prescribed, should be received as *specie* in payment for confiscated property. From the provisions of this act has originated the distinction which thereafter occurs between *audited* and *funded* certificates. Those who held the evidences of public debt, anterior to this act, were authorised by its provisions to exchange them for the certificates therein described, which after the expiration of seven years, gave them a claim on the state for their full nominal amount, with the intervening interest, and these renewed certificates were denominated *funded* certificates; while those who held their original evidences without renewal under this act, were deprived of all participation in the fund provided, and left to such provision as future legislatures might make for *audited* certificates which had not been funded.

That this is the true construction of this act, that the legislature did not intend it as an absolute bar to certificates not renewed, will appear from two considerations.

*First.* The act was passed in February, 1783, at a time when many of those who held claims against the state, had in the discharge of their public duties, been removed far beyond its limits, many having been marched to distant parts of the Union, from which, on the return of peace, they slowly regained their original residences, were of course ignorant of the existence of this act, and had no means of availing themselves of its provisions. To consider it as an absolute bar under such circumstances against all who did not come in, would be to impute to the legislature of 1783, an act of obvious injustice of which they were not guilty,

But, *Secondly.* This construction is repelled by this plain reason. All the various descriptions of public debt specified in the act of 1783, might have been funded under it. If then, the legislature intended that all which were not funded under that act should be forever barred, they would thereby have applied a sponge to every species of the public debt *except the certificates funded under that act.* After the expiration of the time therein prescribed, no other public debt would consequently have remained but *funded certificates.* That this is not so, is conclusively proved by the fact that subsequent legislatures made repeated provisions for the renewal of those evidences of public debt which had not been funded under the act of 1783, and declared the obligation of the state to provide for their payment. Thus the act of December, 1792, provided that all sales of property mortgaged to the state should be made on a credit of five years, and should be payable in "governor's, president's, or speaker's warrants, *audited*, or funded certificates, (except Wade & O'Brien, and Seth John Cuthbert's, whose accounts remain unsettled,) the paper medium of this state issued on the third day of August, 1786, or in gold or silver," thereby again recognizing certificates of the description which we are considering, as of *specie value*, in such purchases. The act of December, 1793, provides for the renewal of "all liquidated claims issued by authority of the state," with the exception of Wade & O'Brien's and Seth John Cuthbert's certificates, and recognizes the obligation of the state, "to make an adequate provision for their redemption."

In 1798, the holders of certificates issued by any of the auditors or treasurers of the state, were required to return them to the comptroller-general, and it was made his duty to issue his certificates in lieu thereof. The act of 1799 again required the renewal of these certificates, and prescribed the time within which it should be done, which was enlarged in 1803, while intermediately in 1802, the obligation of the state to provide for them was again recognized by law, and a fund established for their redemption.

It appears to the committee that the certificates on which the claim of the petitioner is founded, were regularly renewed under the acts herein before referred to, were made payable to the holder, and thus became the subject of legitimate transfer, the faith of the state appearing on the face of them, to be pledged for their nominal amount.

In 1806 the legislature declared that the fractional parts of surveys of certain lands then recently acquired from the Creek nation,

should "be set apart for the redemption of the public debt, under the directions of a future legislature," without making any discrimination between the different species of that debt. In 1808 a law was passed to carry the foregoing into effect, and that act for the first time established a distinction, providing that certain evidences of public debt should be receivable at the Treasury at their nominal and full value, while others, among which were those of the description under consideration were receivable at only one eighth of that value.

Your committee have been a loss to discover on what principle of justice this discrimination was made, unless it was the intention of the legislature merely to give a priority of payment out of the specified fund, leaving to the holders of these certificates, the right to look to the state for the residue when other funds should be provided. If, as the act seems to have been construed, it was the intention of that body that such settlement should be final, the principle of justice by which the state assumed to itself the right of cutting off seven-eighths of a debt, which it had so often, and so solemnly recognized, and in periods so recent, is not obvious to this committee. They would watch with anxious care over the pecuniary interests of the state, but they would guard with a still more unceasing solicitude, its faith and its honor; and they have sought in vain under this construction of the act, to discover for the state a refuge from the imputation of injustice in the history of this transaction. The original consideration of these certificates was of the most meritorious character. They were scaled according to the table of depreciation when they were issued; the state had wisely provided precautions against imposition in their issue and renewal, had made them payable to the holder, and thereby authorised, if not invited their transfer; and having done so, had repeatedly recognized their validity, and had set apart a fund for their redemption, without making any discrimination between them, or intimating that any portion of them were of less than their apparent value. Under these circumstances, the absolute annihilation of seven eighths of this debt, seems to this committee, to have been an act of mere power, a perseverance in which, is forbidden by the plainest principles of justice.

The committee would further state, that the enquiries in which they have adverted, in the earlier part of this Report, have served to confirm the conviction which they have just expressed; and they confidently believe that this opinion is universal among all those who have given themselves the trouble to examine this dark page of our history. It appears to this committee, that the claim of the petitioners having been heretofore, in the year 1821, presented to the legislature, was examined by a committee, who in the absence of the original certificates, which were not then exhibited, were unable to decide on their genuineness, but reported that they had "found the description of claim set forth in the memorial, invariably recognized as a just and legal claim on the state of Georgia; and that in many of the acts funds have been provided and set apart, and the faith of the state pledged for the redemption of those debts." And therefore recommended a resolution declaring the prayer of the petitioners to be reasonable, which was received an agreed to.

After a full, deliberate, and anxious consideration of all the foregoing circumstances, this committee cannot doubt what is the course which duty requires them to pursue.—They perform it by recommending the following resolution.

*Resolved*, That the prayer of the petitioners is reasonable, and ought to be granted; and that provision ought to be made for the adjustment of their claim on such terms as may be satisfactory to the petitioners, and compatible with the plighted faith of the state.

Which was read—and,

On motion of Mr. Crawford,

Ordered, That two hundred copies of said report be printed for the use of the members of both branches of the legislature.

A message from his excellency the Governor, by his secretary Mr. Wood.

*Mr. President*,

His excellency the governor has approved of and signed the following resolutions which originated in this branch of the legislature, to wit:

One appointing Samuel W. Langston, Newdegate Ousley, Elisha Tarver, John Canady, and John Vance, commissioners of Crawford county academy.

One confirming the executive appointment of William Carnochan, Esq. as a commissioner of the river Alatomana, in the place of Maj. Jacob Wood, resigned.

One appointing Samuel I. Coolidge a notary public for the county of Bibb.

One appointing Mulford Marsh a notary public for the county of Scriven.

One appointing Allen Brown a notary public for the county of Clarke.

One appointing Springer Gipson, Edward Holloway, James Whatley, Hugh G. Johnson, and Thomas Sheene, commissioners of the Pike county academy.

One appointing Oliver H. Prince, Charles J. McDonald, Matthew Robertson, James S. Frierson, and Rice Derrett, commissioners of Bibb county academy.

One appointing James G. Stallings and Samuel Crump, Esqs commissioners in the room of John Beall and Thomas M. White, dec'd. to keep open, remove and prevent obstructions in Savannah river, calculated to impede the free passage of fish, &c.

One requiring the printing committee to contract for the printing of 300 copies of the treasurer's report, for the use of the members of both branches of the legislature.

One requiring the the commissioners appointed by the last legislature to sell the fractional surveys, to expose to sale all the fractional surveys lying in the county of Walton, which was within the ninth district formerly Henry county.—and,

The report of the joint committee on printing, that they have contracted with messrs. Camak & Ragland for the printing of the laws

and journals of the present session of the legislature, also such other printing as may be ordered during the present session, on the same terms it was done last session.

And he withdrew.

The senate then adjourned until to-morrow morning 10 o'clock.

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*THURSDAY, 27th Nov. 1823.*

On motion of Mr. Lockhart of Bulloch,

The senate reconsidered so much of the journal of yesterday, as relates to a report of the committee of conference, to whom was referred the subject matter of disagreement between the two branches on the bill to revive, amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants.

Mr. Lockheart of Bulloch, had leave to introduce, instantler, a bill to be entitled an act to dispose and distribute the bank dividends and other nett proceeds of the poor school fund, among the different counties in this state—which was read the first time.

On motion of Mr. Montgomery, of Jackson,

The honorable members from the counties of Newton and Twiggs, had leave of absence until sometime in next week.

On motion of Mr. Sellers,

The senate took up the bill to be entitled an act to add a part of the county of Newton to the county of Henry, and resolved itself again into committee of the whole, on the bill, Mr. Montgomery of Jackson, in the chair.

The president again resumed the chair, and Mr. Montgomery reported that they had gone through the bill with amendments.

The senate took up report of the committee which was agreed to:

And the bill was read the third time and passed.

The following bills were severally read the second time and ordered for a third reading, to wit :

A bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved in the land lottery act passed 15th December, 1818, for the education of poor children.

A bill to be entitled an act to incorporate the village of Jacksonsborough, and to appoint commissioners and to incorporate the same, —and,



A bill to be entitled an act to incorporate the Leaksville academy, in the county of Newton.

On motion of mr. Coffee,

The honorable members from the counties of Walton and Scriven, had leave of absence after to-day, until Thursday next.

The following bills were severally read the second time, and ordered for committee of the whole, viz :

A bill to be entitled an act to authorise Eugenius A. Nesbit to plead and practice as an attorney and solicitor in the several courts of law and equity in this state.

A bill to be entitled an act to authorise the commissioners of the town of Milledgeville to convey a lot to each and every religious society for a parsonage lot.

A bill to be entitled an act to amend the 9th section of the 3d article of the constitution of this state.—and,

A bill to be entitled an act to legalize the official acts of the judges of the Superior court, assistant justices, justices of the Inferior court, and justices of the peace, in certain cases.

The senate again resolved itself into committee of the whole on the bill to be entitled an act to authorise and empower justices of the Inferior court throughout this state to remit fines and forfeitures in certain cases, mr. Holt in the chair.

The president again resumed the chair, and mr. Holt reported progress and had leave to sit again.

Mr. Maxwell laid on the table the following resolution :

*Resolved by the Senate and House of Representatives, That no new matter will be received in either branch of the legislature, during the present session, after the first day of December next.*

Mr. Walker had leave to introduce, instanter, a bill to be entitled an act to exempt the members of the troupe of cavalry in the town of Augusta, from serving as jurors in the Mayor's court, upon the terms therein mentioned—which was read the first time.

Mr. Blackshear had leave to introduce, instanter, a bill to be entitled an act to establish a ferry on Flint river, on fraction No. 238, in the 15th district of Houston county—which was read the first time.

Mr. Philips of Jones, had leave to introduce, instanter, a bill to be entitled an act to change the name of Farmers' academy, in the county of Jones—which was read the first time.

On motion of mr. Lockheart of Warren,

*Resolved, That John Moore be, and he is hereby appointed a notary public for the county of Warren—which was ordered to lie on the table.*

Mr. Holt called up the report of the select committee, to whom was referred the petition of Wm. Favor—which was read and agreed to.

A message from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have passed the following bills, to wit :

A bill to alter so much of an act entitled an act to regulate general elections in this state and appoint the time of the meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the Superior courts, so far as respects the county of De Kalb.

A bill to legitimate and change the name of Nancy Davis to that of Nancy Miller—and,

A bill to be entitled an act to establish the ferry on the Ocmulgee river in the county of Jasper, known by the name of Joseph Hardy's ferry.

And he withdrew.

On motion of Mr. Coffee,

The honorable member from the county of Pulaski, was added to the committee to examine the engrossed journals.

On motion of Mr. Lockheart of Bulloch,

Whereas, it does appear that certain reserves of land made by treaty with the Creek nation of Indians, that some of said reserves are not occupied by said Indians.

*Resolved*, That the committee on the state of the republic do inquire into the situation of such reserves, with leave to report by bill or otherwise.

On motion,

The senate took up the message from the house of representatives, and the bills contained therein were severally read the first time.

The senate adjourned until to-morrow morning 10 o'clock.

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*FRIDAY, 28th Nov. 1823.*

Mr Maxwell called up the resolution laid on the table yesterday, that no new matter will be received in either branch of the legislature during the present session after the first day of December next.

Which being read,

On motion to lay the resolution on the table for the present, it was determined in the affirmative.

And the yeas and nays being required are—yeas 30, nays 14.

Those in the affirmative are,

Messrs.

Allen of Burke	Gamble	McCrimmon
Baker	Garrison	Montgomery of DeKalb
Beall	Glenn	Phillips of Jones
Blackshear	Groves	Robinson
Blackstone	Harper	Sellers
Bonner	Holt	Strawn
Brown of Camden	Jones of Baldwin	Swilley
Burney	Joice	Walker
Cleveland	Lumkin	Watson
Crawford	Lockheart of Warren	Worthy

Those in the negative are,

Messrs.

Allen of Elbert	Mangham	Powers
Barnett	Maxwell	Swain
Brown of Hancock	Miller	Tippins
Cook	Montgomery of Jackson	Wooten
Little	Powell	

On motion of Mr Powell,

The honourable senator from the county of Glynn had leave of absence until Tuesday next.

The following bills were severally read the second time, and ordered for a third reading, viz :

A bill to be entitled an act to change the name of Farmers academy in the county of Jones.

A bill to be entitled an act to establish a ferry on Flint river on fraction No. 238, in the 15th district of Houston county.

A bill to exempt the troop of cavalry in the town of Augusta from serving as jurors in the mayor's court, upon the terms therein mentioned,—and

A bill to be entitled an act to establish the ferry on the Ocmulgee river in the county of Jasper, known by the name of Joseph Hardy's ferry.

The following bills were severally read the second time, and ordered for committee of the whole, viz :

A bill to be entitled an act to dispose of and distribute the bank dividends and other net proceeds of the poor school fund among the different counties of this state.

A bill to legitimate and change the name of Nancy Davis to that of Nancy Miller,—and

A bill to alter so much of an act entitled an act to regulate the general elections in this state and to appoint the time of the meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the Superior courts, so far as respects the county of De Kalb.

The following bills were read the third time and passed under their respective titles, viz.:

A bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved by the land lottery act passed the 15th Dec. 1818, for the education of poor children.

A bill to be entitled an act to incorporate the Leaksville academy in the county of Newton,—and

A bill to be entitled an act to incorporate the village of Jacksonborough in the county of Scriven and to appoint commissioners for the same.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to alter and amend the 43d section of an act entitled an act for the ordering and governing of slaves in this state, passed the 10th day of May, 1770, Mr. Gamble in the chair.

The president again resumed the chair, and Mr. Gamble reported progress, and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to legalize the official acts of the judges of the Superior court, assistant justices, justices of the Inferior court and justices of the peace in certain cases, Mr. Powers in the chair.

The president resumed the chair, and Mr. Powers reported that they had gone through the bill without amendment,

Ordered, that the report lie on the table.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to amend the ninth section of the third article of the constitution of this state, Mr. Bonner in the chair.

The president resumed the chair, and Mr. Bonner reported they had gone through the bill without amendment.

The senate took up the report of the committee which was agreed to, And the bill read the third time and passed.

And on the question "Shall this bill now pass?" the yeas and nays being required are—yeas 27, nays 20.

Those in the affirmative are,  
Messrs.

Baker	Harper	Montgomery of DeKalb
Barnett	Jones of Baldwin	Philips of Jones
Bonner	Lamkin	Powell
Burney	Lockheart of Bulloch	Powers
Coffee	Lockheart of Warren	Robinson
Cook	Maxwell	Strawn
Gamble	McCrimmon	Swain

Swilley  
Tippins

Walker  
Watson

Worthy  
Wooten

Those who voted in the negative, are  
Messrs.

Allen of Burke	Brown of Hancock	Joice
Allen of Elbert	Cleveland	Little
Beall	Crawford	Miller
Blackshear	Garrison	Montgomery of Jackson
Blackstone	Glenn	Sellers
Berrien	Groves	Sheffield
Brown of Camden	Holt	

There not being a constitutional majority, the bill was rejected.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to authorise the commissioners of the town of Milledgeville to convey to each religious society a lot of land for a parsonage lot, mr. Cleveland in the chair.

The president resumed the chair, and mr. Cleveland reported that they had gone through the bill with amendments.

The senate took up the report of the committee, which was agreed to. And the bill read the third time and passed unanimously.

The senate resolved itself into committee of the whole on the bill to be entitled an act to regulate the general elections in this state and appoint the time of the meeting of the general assembly so far as the same requires all elections to be held at the place of holding the superior courts so far as the same respects the county of Hall, mr. Burney in the chair.

The president resumed the chair, and mr. Burney reported progress and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to authorise and empower the justices of the Inferior court throughout this state to remit fines and forfeitures in certain cases, mr. Holt in the chair.

The president resumed the chair, and mr. Holt reported progress and had leave to sit again.

Mr. Brown of Camden had leave to introduce a bill instanter, to be entitled an act to authorise and require the clerk of the Inferior court of Camden county to pay out of the county funds the sum of two dollars per day to one magistrate or freeholder from each election district of said county for their attendance at the town of Jefferson, to compare and count up the votes for said county, which was read the first time.

Mr. Miller from the committee to whom was referred the petition of Ralph Cobb, made the following Report :

That they have had the same under consideration, and are of opinion that the prayer of the petitioner is reasonable and ought to be granted—Therefore submit the following resolution :

*Resolved*, That the sum of ——— dollars be allowed to the aforesaid Ralph Cobb in lieu of, and as a commutation for his bounty warrants as aforesaid, and that the same be paid out of the contingent fund—which was read and ordered to lie on the table.

On motion of Mr. Blackshear,

*Resolved*, That James Boykin be, and he is hereby appointed a commissioner of the Oconee navigation, in the place of Isaac Harvey, resigned.

On motion of Mr. Watson,

*Resolved*, That the joint judiciary committee be instructed to enquire into the expediency of passing a law to provide for the payment of grand and petit juries, for the several counties of this state, with liberty to report by bill or otherwise.

On motion,

Ordered, That the honourable member from the county of Early, be added to the judiciary committee.

Mr. Montgomery of Jackson, called up the report of the committee of conference on the subject matter of disagreement between the two houses, on the bill to be entitled an act to revive, amend and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants—which was read.

And on the question to agree, it was determined in the affirmative.

And the yeas and nays being required are—yeas 25, nays 21.

Those in the affirmative are,

Messrs.

Allen of Elbert	Cleveland	Little
Baker	Cook	Lockheart of Warren
Barnett	Crawford	Maxwell
Beall	Gamble	Miller
Blackshear	Groves	Montgomery of DeKalb
Berrien	Harper	Montgomery of Jackson
Bonner	Holt	Strawn
Brown of Hancock	Jones of Baldwin	Walker
Burney		

Those in the negative are,

Messrs.

Allen of Burke	Lockheart of Bulloch	Sheffield
Blackstone	McCrimmon	Swain
Brown of Camden	Phillips of Jones	Swilley
Coffee	Powell	Tippins
Garrison	Powers	Watson
Glenn	Robinson	Waters
Joice	Sellers	

Ordered, that the secretary carry said report to the house of representatives for their concurrence.

The senate adjourned until to morrow morning, 10 o'clock.

*SATURDAY, 29th Nov. 1825.*

On motion of Mr. Gamble,

The senate reconsidered so much of the Journal of yesterday as relates to the passage of the bill to be entitled an act to alter and amend the 9th section of the 3d article of the constitution of the state of Georgia.

Mr. Blackstone had leave to introduce, instanter, a bill to be entitled an act to authorise the justices of the inferior court of the county of Crawford, out of the lands by them heretofore acquired for county purposes, and now laid out in town lots, to convey to the trustees or commissioners of the Baptist, the Methodist, and Presbyterian societies, a certain quantity of land, for the purpose of erecting buildings for public worship—which was read the first time.

Mr. Cleveland had leave to introduce, instanter, a bill to be entitled an act to amend the 2d section of an act passed the 24th Dec. 1821, to regulate the general elections in this state and appoint the time of the meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the superior courts, so far as respects the counties of Burke and Habersham—which was read the first time.

The bill to authorise and require the clerk of the Inferior court of Camden county, to pay out of the county funds, the sum of two dollars per day to one magistrate or freeholder from each election district of said county, for their attendance at the town of Jefferson, to convene and counting up the votes for said county—was read the second and ordered for a third reading.

The following bills were severally read the third time and passed,

A bill to be entitled an act to establish a ferry on Flint river, on fraction No. 238, the 15th district of Houston county.

A bill to be entitled an act to change the name of Farmers' academy in the county of Jones, and,

A bill to be entitled an act to establish a ferry on the Ocmulgee river in the county of Jasper, known by the name of Joseph Hardy's ferry.

The bill to be entitled an act to exempt the members of the troop of cavalry in the town of Augusta, from serving as jurors in the mayor's court, upon the terms therein mentioned—was read the third time.

And on the question "Shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required, are—yeas 31, nays 15.

Those in the affirmative are,

Messrs.

Allen of Burke	Cook	Philips of Jones
Allen of Elbert	Garrison	Powell
Baker	Groves	Robinson
Beall	Harper	Sellers
Blackstone	Joice	Strawn
Berrien	Little	Swain
Bonuer	Lockheart of Bulloch	Swilley
Brown of Camden	Miller	Walker
Burney	Montgomery of DeKalb	Worthy
Cleveland	Montgomery of Jackson	Wooten
Coffee		

Those in the negative are,

Messrs.

Barnett	Glenn	Maxwell
Blackshear	Holt	McCrimmon
Brown of Hancock	Jones of Baldwin	Powers
Crawford	Larkin	Sheffield
Gamble	Lockheart of Warren	Tippins

The senate resolved itself into committee of the whole on the bill to be entitled an act to legitimize and change the name of Nancy Davis to that of Nancy Miller, mr. Groves in the chair.

The president resumed the chair, and mr. Groves from the committee reported they had gone through the bill with an amendment.

The senate took up the report which was agreed to.

And the bill was read the third time and passed.

The senate again resolved itself into committee of the whole on the bill to be entitled an act to authorise and empower the justices of the inferior court throughout this state to remit fines and forfeitures in certain cases, mr Holt in the chair.

The president resumed the chair, and mr. Holt reported progress and had leave to sit again.

The senate resolved itself into committee of the whole on the bill to be entitled an act to regulate the general elections in this state and to appoint the time of the meeting of the general assembly, so



far as requires the elections to be held at the place of holding the Superior court, so far as respects the county of Hall, and to amend an act passed the 16th Dec. 1816, relating to the county of Franklin, mr. Burney in the chair.

The president resumed the chair, and mr. Burney reported that they had gone through bill with amendments.

Ordered, That the report do lie on the table.

A message from the house of representatives by mr. Dawson, their clerk.

*Mr. President,*

The house of representatives have agreed to the following resolutions, viz.

To a resolution appointing notaries public for the county of Houston.

To a resolution requesting his excellency the Governor to commence suits against the commissioners and their securities, appointed to sell the fractions in the counties of Walton, Gwinnett, Hall, Habersham, and Rabun, for the balance of money arising from the sales, now in their hands.

To which they desire concurrence.

The house of representatives have passed the following bills, viz :

A bill to be entitled an act to amend an act entitled an act to authorise parties plaintiffs to issue summons of garnishment in certain cases, as in cases of attachment, passed Dec. 23d, 1822.

A bill to be entitled an act for the division of the county of Early.

A bill to be entitled an act for the incorporation of the town of Macon—and,

A bill to lay out a new county out of the counties of Wilkes, Warren, Greene, Hancock, and Oglethorpe, and to organize the same.

And he withdrew.

The senate took up the message from the house of representatives, and the resolution authorising his excellency the Governor to cause suits to be commenced forthwith against the commissioners and their sureties, who sold the fractions in the counties of Walton, Gwinnett, Hall, Habersham, and Rabun, for the recovery of such amount as has been retained by the said commissioners, unless the money shall be paid over immediately.—and,

One appointing notaries public for the county of Houston.

Were read and ordered to lie on the table.

And the bills therein contained were severally read the first time.

Mr. Montgomery of De Kalb, had leave to introduce, instantler, a bill to be entitled an act to alter and amend the first section and fourth article of the constitution of this state—which was read the first time.

Mr. Powers had leave to introduce, instanter, a bill to be entitled an act to repeal the 2d and 3d sections of an act passed on the — day of — 1823, and to amend the land acts now in force, so far as respects the counties of McIntosh, Tattnall, Bulloch, Bryan, Effingham, Emanuel, and Wayne—which was received and read the first time.

Mr. Robinson had leave to introduce, instanter, a bill to be entitled an act to establish a ferry across the Ocmulgee river in the county of Pulaski—which was received and read the first time.

Mr. Powell presented a memorial from the citizens of Darien—which was read and referred to the joint committee to whom was referred the memorial of the citizens of Augusta, to make free the bridge across the Savannah river opposite Augusta.

A message from his excellency the Governor, by his secretary, Mr. Wood.

*Mr. President,*

His excellency the Governor has approved of and signed the following resolutions and reports, which originated in this branch of the legislature, viz :

One appointing Martin Wood and William McDonald commissioners of the Early county academy, in place of E. M. Attaway and Bartlett Smith, removed—And S. B. Jackson, James Bush, John Dill, Thomas Cook, and Richard Grimsley, trustees of the same.

One appointing Samuel Houston a notary public for the county of Henry.

One relative to the running and marking the dividing line between this state and the state of Alabama.

A report on the subject of establishing a branch of the Darien bank at the town of Macon.

A report of the committee on finance, in part.

And he withdrew.

Ordered, That the honorable member from the county of McIntosh be added to the select committee to whom was referred the memorial of the citizens of Augusta, to make free the bridge across the Savannah river opposite Augusta.

The senate adjourned until 10 o'clock, Monday morning next.

*MONDAY, 1st Dec. 1823.*

On motion,

The honourable member from the county of Franklin had leave of absence for the remainder of the session.

The following bills were severally read the second time, and ordered for a third reading, viz.

A bill to be entitled an act to amend the 2d section of an act passed the 24th December, 1821, to regulate the general elections in this state and to appoint the time of the meeting of the general assembly so far as the same requires all elections to be held at the place of holding the Superior court, so far as respects the counties of Burke and Habersham.

A bill to be entitled an act to establish a ferry across the Ocmulgee river in the county of Pulaski.

A bill to be entitled an act to authorise the justices of the Inferior court of the county of Crawford, out of the lands by them heretofore acquired for county purposes, and not laid out in town lots, to convey to the trustees or commissioners of the Baptist, the Methodist, and Presbyterian societies a certain quantity of land for the purpose of erecting buildings for public worship.

The following bills were severally read the second time, and ordered for committee of the whole, to wit:

A bill to be entitled an act to alter and amend the first section of the fourth article of the constitution of the state of Georgia.

A bill to be entitled an act to repeal the 2d and 3d sections of an act passed on the        day of        1823, and to amend the land acts now in force, so far as respects the counties of McIntosh, Tattall, Bulloch, Bryan, Effingham, Emanuel and Wayne.

A bill to be entitled an act for the division of the county of Early.

A bill to be entitled an act to lay out a new county out of the counties of Wilkes, Warren, Greene, Hancock and Oglethorpe, and to organize the same.

A bill to be entitled an act to amend an act entitled an act to authorise parties plaintiffs to issue summons of garnishment in certain cases, as in cases of attachment, passed Dec. 23d, 1822,—and,

A bill to be entitled an act for the incorporation of the town of Macon in Bibb county.

The bill to be entitled an act to authorise and require the clerk of the Inferior court of Camden county, to pay out of the county funds the sum of two dollars per day to one magistrate or freeholder from each election district of said county, for their attendance at the town of Jefferson to compare and count up the votes for said county.

Was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to dispose of and distribute the bank dividends

and other net proceeds of the poor school fund among the different counties of this state, mr. Walker in the chair.

The President resumed the chair, and mr. Walker reported progress and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to legalize the official acts of Edmund C. Beard, sheriff of Bibb county, in certain cases, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported that they had disagreed to the bill.

The senate took up the report.

And on the question to agree to the report, it was determined in the affirmative.

And the yeas and nays being required are, yeas 44, nays 6.

Those in the affirmative are,

Messrs.

Allen of Burke	Garrison	Powell
Allen of Elbert	Glenn	Powers
Barnett	Groves	Robinson
Beall	Harper	Sellers
Blackshear	Joice	Sheffield
Blackstone	Lampkin	Sterling
Berrien	Lockhart of Bulloch	Strawn
Bonner	Lockhart of Warren	Swain
Brown of Camden	Mann	Swilley
Brown of Hancock	McKinnie	Tippins
Cleveland	McCrimmon	Walker
Coffee	Miller	Watson
Cook	Montgomery of DeKalb	Wilborn
Crawford	Montgomery of Jackson	Wooten
Gamble		

Those in the negative are,

Messrs.

Baker	Burney	Jones of Baldwin
Bullock	Holt	Worthy

The senate again went into committee of the whole on the bill to be entitled an act to authorise and empower justices of the Inferior court throughout this state to remit fines and forfeitures in certain cases, mr. Holt in the chair.

The president resumed the chair and mr. Holt from the committee reported that they had gone through the bill with amendments.

The senate took up the report,—and,

On motion of mr. Montgomery, of Jackson, to amend the report by substituting in lieu thereof the following, viz.

A bill to be entitled an act to authorise the remission of judgments or forfeited recognizances in the cases therein specified.

*Be it enacted by the Senate and House of Representatives, &c. That any person aggrieved by the forfeiture of any recognizance in any crim-*

that case may petition the judge of the Superior court in which the judgment on such recognizance has been rendered, praying the remission of such forfeiture setting forth the grounds on which he claims such remission, particularly disclosing the acts of diligence which he has used for the purpose of complying with the condition of his recognizance, and further detailing, if a security, that he has no means or expectation of reimbursing himself out of the property of his principal or otherwise, which petition shall be verified by the oath of the petitioner, whereupon the said judge shall make an order referring the same to the grand jury who shall be authorised to summon all necessary witnesses, and after hearing said witnesses and and the petitioner, and the prosecutor if he shall think proper to appear and gainsay the said application, shall be and they are hereby required to certify to the said court whether in their opinion the said judgment ought to be remitted or enforced, together with a statement of the reasons on which the opinion is founded: whereupon the said court shall proceed to hear and decide on such petition according to right and justice, and shall enter the decision pronounced thereon on the minutes of the court with a statement of the reasons therefor, and such judgment shall be final: *Provided always*, that the person or persons presenting such petition shall serve a copy of the same on the prosecutor in the original case, if such prosecutor reside within the county in which said judgment was or shall be rendered, and on the attorney or solicitor-general, as the case may be, at least thirty days before the meeting of the court at which such application is made: *And provided further*, That such remission shall in no case extend to discharge the costs or any part thereof.

And on the question to agree, the yeas and nays being required, are—yeas 25, nays 25.

Those in the affirmative are,  
Messrs.

Allen of Elbert	Burney	Mann
Baker	Cleveland	Maxwell
Barnett	Cook	Miller
Beall	Crawford	Montgomery of Jackson
Blackshear	Glenn	Powell
Berrien	Harper	Powers
Bonner	Holt	Robinson
Brown of Camden	Lockheart of Warren	Sheffield
Brown of Hancock		

Those who voted in the negative are,  
Messrs.

Allen of Burke	Lamkin	Swain
Blackstone	Lockheart of Bulloch	Swilley
Bullock	McKinne	Tippins
Coffee	McCrimmon	Walker
Gamble	Montgomery of DeKalb	Watson
Garrison	Sellers	Worthy
Groves	Sterling	Wilborn
Jones of Baldwin	Strawn	Wooten
Joice		

The yeas and nays being equal, the president exercised the right of voting, gave his vote in the negative, and the substitute was rejected.

Mr. Crawford moved to amend the second section of the report, by adding the following proviso :

*Provided*, That such power shall not be exercised by the justices of the inferior court until the grand jury of the county shall have first acted upon the case of the applicant and recommended the remission or enforcement of the judgment ; and the said justices shall put their reasons on the record, and the testimony on which their decision is founded.

And on motion to strike out the following part of the proviso, viz.

*Provided*, That such power shall not be exercised by the justices of the inferior court until the grand jury of the county shall have first acted upon the case of the applicant and recommended the remission or enforcement of the judgment.

And on the question to strike out it was determined in the negative.

And the yeas and nays being required are—yeas 18, nays 33.

Those in the affirmative are,

Messrs.

Allen of Burke	Joice	Swain
Bullock	Lamkin	Swilley
Coffee	Lockheart of Bulloch	Tippins
Gamble	McKinne	Walker
Groves	McCrimmon	Watson
Jones of Baldwin	Strawn	Wooten

Those in the negative are,

Messrs.

Allen of Elbert	Cleveland	Montgomery of DeKalb
Baker	Cook	Montgomery of Jackson
Barnett	Crawford	Phillips of Jones
Beall	Garrison	Powell
Blackshear	Glenn	Powers
Blackstone	Harper	Robinson
Berrien	Holt	Sellers
Bonner	Lockheart of Warren	Sheffield
Brown of Camden	Mann	Sterling
Brown of Hancock	Maxwell	Worthy
Burney	Miller	Wilborn

The amendment being agreed to, and the report being further amended, was agreed to.

And the bill read the third time and passed under the title of a bill to be entitled an act to authorise and empower the justices of the Inferior courts throughout this state to remit any judgment or judgments that may be rendered against securities for the appearance of persons charged with the commission of offences against the laws of this state under certain restrictions.

The senate went again into committee of the whole, on the bill to be entitled an act the more effectually to provide for the punishment of slaves capitally and making compensation to the owners of the same, mr. Maxwell in the chair.

The president again resumed the chair, and mr. Maxwell reported progress and had leave to sit again.

Mr. Montgomery of Jackson, presented a petition from the trustees of Franklin county academy.

Which was read and referred to the committee on public education and free schools.

Mr. Swain laid on the table the following resolution.

*Resolved*, That both branches of the general assembly will convene in the representative chamber on Saturday the 6th instant at 1 o'clock P. M. for the purpose of electing by joint ballot, one principal keeper and three inspectors of the penitentiary.

The senate adjourned until 10 o'clock to morrow morning.

## *TUESDAY, 2d Dec. 1823.*

Mr. Allen of Elbert, from the joint on agriculture and internal improvement, to whom was referred the report of the board of commissioners of Tugalo river, reported as follows :

That on an examination of the same, your committee find that out of the money heretofore appropriated for the improvement of the navigation of said river, there remains an unexpended balance in the hands of the treasurer of said board of \$2,424, 53, and that the navigation of said river is not completed.—Your committee therefore recommend the following resolution :

*Resolved*, That the board of commissioners for the improvement of the navigation of Tugalo river, take such measures for the speedy completion of the same, as they in their judgment may deem expedient, and that they transmit reports of their proceedings to his excellency the Governor, in conformity to an act of the general assembly, passed on the 19th day of Dec. 1818.

*And be it further resolved*, That his excellency the Governor be, and he is hereby requested to forward a copy of the above resolution to the said board of commissioners—which was read and ordered to lie on the table.

Mr. Wimberly, from the committee appointed, reported,

A bill to be entitled an act to amend an act to incorporate the town of Marion in the county of Twiggs, and to vest certain powers in the commissioners thereof—which was read the first time.

Mr. Swain laid upon the table the following resolution :

*Resolved*, That the senate will not receive any motion containing new matter after Wednesday the 10th inst.

*And be it further resolved*, That the legislature will adjourn sine die, on Saturday the 20th inst.

Mr. Berrien from the joint judiciary committee reported the following bills, to wit :

A bill to be entitled an act to amend the penal code—and,

A bill to be entitled an act to compel sheriffs and coroners to deliver possession of real estate sold by them under executions to the purchaser, his or her agent or attorney—which were severally read the first time.

On motion of Mr. Walker,

The senate took up the report of the select committee to whom was referred the petition of Mathias Maher and others, by their agent Ebenezer Jackson, jr.—which was read,

And the following was offered as an amendment to the end of the original report, to wit :

And whereas, the agent of the petitioners hath voluntarily offered to receive in full satisfaction of their claim, one half of the principal amount of the debt appearing to be due by the state on the face of the said certificates, under the official signature of James Merriwether, Esq. comptroller-general of this state.

*Resolved*, That justice to the petitioners, and a due regard to the interest and faith of the state, require that the said offer should be accepted and provision made for receiving and discharging the same at the treasury at the rate proposed, that is to say, by the payment of one half of the principal amount due on the said claim.

Which was read, and together with the original report, ordered to lie on the table.

On motion of Mr. Sellers,

*Resolved*, That the joint judiciary committee take into consideration the expediency of passing a law limiting the time of returning fraudulent draws in the late land lotteries, where lands have bona fide become, or may hereafter become the property of third persons.

Mr. Brown of Camden, from the joint committee on enrolment, reported as duly enrolled and signed by the speaker of the house of representatives the following acts, to wit.

An act to place the Darien Hussars on the same footing as the Independent Troop in the county of Liberty.



An act to alter the name of Francis Desjardins of Chatham county.

An act to legalize certain draws of fractions in the late land lottery of this state, and to vest the titles thereof in the persons drawing the same.

An act to amend an act passed on the 21st day of December, 1821, to amend an act to incorporate the town of Clinton in the county of Jones, and for the appointment of commissioners for the better regulation and government of said town, passed the 4th day of December, 1816.

An act to revive, amend, and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants.

Which were presented to and severally signed by the president of the senate.

Ordered, That the committee on enrollment do carry the same to his excellency the Governor, for his revision.

Mr. Montgomery of Jackson, called up the resolution from the house of representatives requesting his excellency the Governor to cause suits to be commenced forthwith against the commissioners and their securities, who sold the fractions in the counties of Walton, Gwinnett, Hall, Habersham, and Rabun, for the recovering of such amount as has been retained by said commissioners, unless the money shall be paid over immediately—which was read and concurred in.

Mr. Barney from the committee appointed, reported

A bill to be entitled an act to separate and divorce Sarah Hard and Stephen G. Heard her husband—which was read the first time.

A communication from his excellency the Governor, by his secretary Mr. Lamar.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 2d Dec. 1823. }

In conformity with the wishes of both branches of the legislature, as expressed in their resolution of the 21st ult. I submit the only documents in relation to the subject of it, which are to be found in the executive office. They show that under the act of the 23d Dec. 1822, authorising the opening of a road from the Allapaha to the Florida line, Gen. John Coffee and Thomas S. Swain, were appointed the commissioners to superintend the opening of it—That Gen. Coffee, on the same day received fifteen hundred dollars from the Treasury, being the whole amount appropriated to that object—That no instructions were given to the commissioners, which are known to this department, and that with respect to the manner in which the work has been executed no information has been received here, other than that which is contained in the letter of Gen. Coffee, accompanying this communication.

Signed,

G. M. TROUP.

Which was read, and together with the accompanying documents, referred to the committee on agriculture and internal improvement.

The following bills were severally read the third time and passed viz :

A bill to be entitled an act to establish a ferry across the Ocmulgee river in the county of Pulaski, at a place known by the name of Silver Bluff, and to vest the right thereof in William Lester and his heirs, and to fix the rate of ferriage—and,

A bill to be entitled an act to authorise the justices of the Inferior court of the county of Crawford, out of the lands by them heretofore acquired for county purposes and not laid out in town lots, to convey to the trustees or commissioners of the Baptist, the Methodist, and Presbyterian societies, a certain quantity of land, for the purpose of erecting buildings for public worship.

The bill to be entitled an act to amend the 2nd section of an act passed the 24th Dec. 1821, to regulate the general elections in this state and appoint the time of meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the superior courts, so far as respects the counties of Burke and Habersham—was read the third time, and amended by unanimous consent and passed under the title of

A bill to be entitled an act to amend the 2d section of an act passed the 24th December 1821, to regulate the general elections in this state and appoint the time of the meeting of the general assembly so far as the same requires all elections to be held at the place of holding the Superior courts, so far as respects the counties of Burke, Habersham and Dooley.

Mr. Montgomery of Jackson, had leave to report a bill instant, to be entitled an act to alter and amend the second section of an act entitled an act to alter and amend the penal code of this state, passed the 20th December, 1820, and for other purposes which was read the first time.

Mr. Walker presented a petition from the trustees of the Richmond county academy.

Which was read and referred to the committee on public education and free schools.

Agreeable to notice Mr. Bullock moved for the appointment of a committee to take into consideration the expediency of building a public bridge across the Ocmulgee river at the town of Macon, with power to report by bill or otherwise.

Ordered, that messrs. Bullock Holt and Gamble be that committee.

Mr. Worthy presented a petition from the commissioners of the academy in Gwinnett country.

Which was read and referred to the committee on public education and free schools.

Ordered, That the honourable member from the county of Richmond be added to the committee on public education and free schools.

Mr. Berrien from the Joint Committee to whom was referred the Memorials from the citizens of Savannah, Augusta, and Darien, made the following Report :

The Joint Committee to whom was referred the Memorial of the freeholders and merchants of the city of Savannah, relatively to the decline of the business of that city—the Memorial of sundry citizens of Augusta and its vicinity, in reference to the bridge over Savannah river at that place, and the Memorial of the citizens of Darien complaining of the injurious operation of the charter of the Steam-boat Company of Georgia, beg leave to Report—

That they have carefully examined the subjects presented to their view by these memorials, under a conviction of their importance, and a belief that a correct decision of them by the legislature, will influence immediately and in no limited degree, the best and most permanent interests of the people of Georgia.

The Committee will proceed to explain with as much brevity as may be compatible with its magnitude, and the details necessary to its elucidation, the view which they have taken of the subject thus referred to their consideration.

The memorialists allege the decline of commerce in their respective cities—that the produce of Georgia exported to foreign markets, and to those of our sister states, no longer seeks an *outlet* through these its natural and accustomed channels; that goods imported from those markets for consumption in the interior of our own state, have also abandoned these their usual and long established *inlets*.—Such is the allegation stated in its simplest form. It asserts in substance the diminution of the commerce of our state. It affirms the existence of an evil progressively increasing, and involving in its progress a common sacrifice of the interests of all classes of our citizens.

Does the evil exist?

Is its operation thus extensive?

What are its causes?

Is relief within the reach of the constitutional powers of the Legislature, and what is that relief?

These are questions which will occur to all whose minds are directed to the subject. The committee are entirely sensible, how limited are the resources which they can bring to these enquiries, but they do not therefore shrink from this investigation. They are thoroughly convinced of the great truths on which it depends, and if their exposition be defective, it may at least serve to arouse in strong and practical minds, a spirit of enquiry, which will supply their deficiencies.

Does the evil exist? The fact is asserted by the memorialists in language not of dubious import, with an earnestness and simplicity,

which leave no doubt of the sincerity of their own convictions. In looking to the names by which these memorials are supported the committee perceive that many of our most respectable citizens; of men whose intelligence and integrity would equally exclude the probability of mistake, and the possibility of intentional misrepresentation. Do these representations require support? It will be found in the following considerations. Rents have suffered an unprecedented diminution. This has been particularly obvious in those stands heretofore deemed favorite ones, from their peculiar fitness for commercial pursuits, and generally in all parts of these cities. Notwithstanding the diminished prices at which houses may be rented, a great proportion of them remain unoccupied. Real estate has fallen to less than one half of its former value. The income of all classes of the citizens who are directly or indirectly dependent on commerce has been abridged, and is progressively decreasing, and the combined operation of these causes is already manifest, and will continue to become more obvious, in the reduced amount of taxes which they pay to their respective corporations, and to the general treasury of the state. There is then no room to doubt the existence and reality of the evil complained of by the memorialists.

Is this evil of a merely local character, limited in its operation to that portion of our citizens who dwell in these cities, or who are the proprietors of its soil?—It is the next subject of our enquiry, and it is full of interest. Its decision will ascertain the character in which the application of the memorialists is to be received by the legislature, the motives to relief, and the extent to which it can with propriety be afforded. If this evil be merely local, the memorialists come before us as *supplicants* for relief.—They point to the tie which indissolubly unites the whole family of Georgia, and appealing at once to our sympathy as brethren, and to our justice as legislators, they have an unanswerable claim upon us in either capacity, to all the relief which we can afford them, with a due regard to the interests of the residue of those whom we represent. If this evil be not merely local—if acting directly and primarily on the memorialists, and these immediately engaged in foreign commerce, it operates also indirectly and ultimately but with a force not less certain and ruinous on the agricultural interests of the state, then indeed these memorials assume a different character. They call into active exercise, the duty which binds us as representatives of the people of Georgia, to advance the common interest, and the relief to be afforded can in such case be limited only by our capacity to afford it. The question recurs, and it may be stated in this form.—Are the people of Georgia as such generally interested in the commercial prosperity of the cities of Savannah and Augusta?

It seems to this committee, that in every view, this enquiry must be answered in the affirmative. Elsewhere the grave discussion of it may perhaps excite a smile. The prosperity of a state, is the sum or aggregate of the prosperity of the individuals who compose it. In these two cities, much of the population and wealth of Georgia have heretofore been found. They have contributed largely to its prosperity, while they were prosperous, and in their decandency would deduct as

largely from it. But the proposition is susceptible of a more practical and detailed illustration. The state in which we live, extending from the mountains to the ocean, exhibits a variety of soil and of climate which fits it to produce all that is necessary to sustain a large and growing population, leaving a considerable portion of surplus labor, to be employed in the production of articles which are chiefly valuable for exportation. It will not be denied that we have a general interest in the proper and successful application of this surplus labor, which includes the idea of the sale of its product in foreign markets or to an intermediate purchaser. The value of the article at home, is the price which it will command in the market to which it is destined, deducting therefrom the costs of transportation, whether these appear under the form of freight, insurance, commission, advance, or other customary and recognized charges. In so far as these costs are paid to our own citizens, the entire value of the article is preserved to the state. In so far as they are paid to foreigners, or to the citizens of another state, the sum of the public wealth sustains a positive diminution.—If we suppose a given quantity of the great staple of our state to be worth at a foreign market, to which it is destined, the sum of \$100, and that its transportation there would cost the sum of \$10, leaving to the cultivator in Georgia, as the nett amount of his sale, the sum of \$90, he will be in that degree and to that amount, with reference to this article, a contributor to the public wealth. And if the cost of transportation be paid to the citizens of Georgia, the entire value of the article, though distributed in various hands, will still be preserved to the state; but if this cost of transportation be paid to foreigners or to citizens of other states, its amount is lost to the state, operating in the case supposed, to deduct one-tenth of the value of the article, from the aggregate of the public wealth.

In practice this is applicable to the subject under the consideration of the committee, only so far as regards the cost of transportation, from the plantation of the cultivator to the shipping port, and according to the fact whether this shipping port be within or without the limits of the state, is the amount of these costs saved to, or abstracted from the aggregate of the public wealth. Hitherto Savannah and Augusta have been the ports, through which a very large portion of the staples of our state, have passed on their way to foreign markets, or to those in the northern states, and in the nature of things must so continue, unless by an artificial pressure on them, and an artificial support to other ports, they are deprived of the influence of the natural advantages of their situation. This state of things has been produced by the combined legislation of Carolina and Georgia, and it could have been produced in no other mode—Its effect has been to transfer the trade of Georgia, from Augusta and Savannah, to Hamburg and Charleston. South Carolina with a munificent but wise liberality, has withheld no appropriation, which was requisite to create and cherish the town of Hamburg, as a depot for the produce of the interior on its way to market, thereby withdrawing from Augusta a great proportion of that produce which it had before received; and keeping open to individual enterprise, the navigation between Hamburg and Charleston, has been equally ready to encourage by the free

use of the public purse, the transportation of the the property so deposited, from the former port to the latter, passing Savannah, its natural outlet.—The legislation of Georgia presents a different picture.—It will be necessary to give to it a particular examination, in considering the causes of this depression, which the order of this investigation has assigned to a different stage of it. Here it may suffice to state, that the freight from Savannah to Augusta, it is understood, is equal to that from Charleston to Hamburg, which is double the distance—that this is the effect of legislative enactment—of the legislation of Georgia.

That the Georgia planter, who ships his produce from Augusta to Savannah, pays a freight which is too high, is proved by the fact, that this business is profitably conducted, at a much lower rate, between Hamburg and Charleston. The fact is noticed here, merely to remark, that this high freight, which operates so injuriously to the two cities of Savannah and Augusta, is not confined to them in its injurious influence, but directly affects the planter who sells his cotton in Augusta, or ships it from thence to Savannah. We have seen that the cost of transporting the produce from the plantation of the cultivator to the port of shipment, must be borne by him, in the form of a diminution of price. Any increase of this cost, produced by artificial means, while it assails the prosperity of the port of shipment by causing a diversion from it, acts directly on the pocket of the planter, who ships to that port. Let the freight between Augusta and Savannah be regulated on the scale of that between Hamburg and Charleston, with a view to their respective distances, and it must necessarily be reduced. The difference between such reduced price, and that which he actually pays, is a positive loss to the planter on each bale of cotton sold by him in Augusta, or shipped from thence to Savannah; and if this excess of freight be calculated on the whole number of bales, which annually pass through that channel, it will be seen that the planters of the interior, have a deep personal interest in the removal of at least one of the causes, which operate to produce the depression of trade in these cities.

The article of river freight is adverted to merely for the purpose of illustration, since it must be equally obvious, that every other artificial regulation existing in these cities which serves to diminish the price of produce exported, and to enhance that of merchandize imported, operates as a tax on the planter of the interior, as the cultivator of the former, and the consumer of the latter.

If to these reflections be added, the consideration that the commercial distresses of these cities, will diminish their contributions to the public treasury, and if the magnitude of those contributions hitherto, when compared with those of other sections of the state be adverted to, it may, it is believed by the committee, be safely asserted that the people of Georgia as such, are generally interested in the commercial prosperity of the cities of Savannah and Augusta—that the operation of the evil complained of by the memorialists is co-extensive with the state.

In the further discharge of the duty assigned to them, the committee will proceed to the examination of the causes to which the commercial difficulties of these cities is to be ascribed. The enquiry concerns itself with causes merely relative, with those which produce in favour of other and contiguous towns and cities, the diversion of a trade, which the cities first referred to would otherwise enjoy.

It is not doubted by the committee, that the trade of Augusta, is materially diminished by the rivalry of Hamburg. Heretofore, the former place has been the sole depot of the produce raised on both sides of that part of Savannah river which flows above it, and the general rendezvous of purchasers from abroad and their agents. Much of that produce now passes to Hamburg. The quantity sold or stored in Augusta is consequently less. The attention of purchasers is divided and diverted, and diminished competition produces a diminution of price. Left to itself, Hamburg is unable to maintain this competition. Its population and its capital would equally forbid it. But Hamburg is the creature of legislative munificence—It is sustained by legislative patronage—It wields a capital gratuitously furnished by the state of South Carolina, and wields it under the protection of peculiar privileges and exemptions to its inhabitants. Still it would be inadequate to the purpose of its creation—it could enter into no successful competition with Augusta, but from its connection with Charleston, from the freedom of the intermediate navigation rendered tenfold more valuable by the monopoly which restrains that between Savannah and Augusta, and from the various artificial causes existing in Savannah, which render it inferior as a market and as a shipping port to Charleston. *In fine, Hamburg exists, and enters into successful competition with Augusta, by force of the patronage of the legislation of Carolina to itself, and to Charleston, acting with increased effect, from the oppressive influence of the legislation of Georgia, on the cities of Augusta and Savannah.*

The progress of this enquiry leads to an examination of the causes of the commercial distress which exists in Savannah. The investigation has been made with a continued reference to Charleston, because it is believed that the diminution of the trade of Savannah, has arisen from its diversion to that port. The causes of this diversion, have been the object of enquiry by the committee. The natural advantages of Savannah as a sea port, are at least equal to those of Charleston. If the latter be more contiguous to the ocean, the former possesses a bar more easy of access and more safe—And vessels, laying in the harbour of Savannah are not subject to the attacks of worms, which are so destructive in the harbour of Charleston. The importance of these considerations will be best appreciated by those who are most conversant with the subject. Savannah labors under one disadvantage in the necessity to which vessels of considerable burthen are subjected of loading at *Five Fathom*, owing to a shoal between that place and the city, but this it is believed might be in a great degree removed, by the use of means which are perfectly under the controul of the legislature, and properly applicable to that object. There is then no natural cause for the diversion of the trade of Savannah.

nah to Charleston. Does it result from artificial causes beyond our control? The commercial capital in Charleston is larger than that in Savannah, and the merchant who wields a large capital, has an important advantage over the smaller capitalist. But Savannah has heretofore successfully competed with Charleston, under all the disadvantages of a greater inequality of capital than that which now exists. It is the younger city, and having obtained a commercial importance, which in the earlier stages of its existence, it did not enjoy, it must have been able to struggle successfully, when this disparity of capital was greater than that with which it has now to contend. This inequality of capital, does not therefore furnish the solution of which we are in search. In the view of the committee it will be found in the following causes :

The operations of our banks having eventuated in the depreciation of their paper, the circulating medium of our state had ceased to retain a *par* value, while those of Carolina more fortunate, had preserved that value to theirs.—If the nominal price of produce in Savannah and Charleston was the same, the greater value of the medium in which payments were made in the latter place, produced an actual increase of price to the seller, and gave therefore a decisive preference to its market. It ought however to be stated, in justice to these institutions, that they have been themselves, and in no inconsiderable degree, the victims of a commercial embarrassment, over which they could exercise no controul ; which deprived them of the chief source of their profits, by diminishing the quantity of business paper offered for discount, and multiplied the calls for accommodations, at the same time that it lessened the ability to redeem them. It is understood that from their exertions, this inequality in the value of the bank paper of Georgia and Carolina, no longer exists—but the secondary effects which have resulted from it, cannot be immediately obviated.

The committee are perfectly convinced of the injurious operation of the acts imposing a river tonnage duty, and a tonnage duty for the support of the harbor-master and health officer of Savannah. They cannot add to the very clear and forcible exposition given to this subject by the memorialists. Of the same character is the act imposing a tax on commission sales of articles imported—which operates to give a decisive preference to other ports where no similar tax is levied.—While the tax itself, with the charge for advancing it, by each successive holder, forms an item to be added to the price, which is ultimately paid by the agriculturalists, who constitute the great body of consumers, and is therefore an absolute loss to them. The combined operation of these causes has, as the committee believe, been satisfactorily shown by the memorialists, to have produced an increased rate of freight which applied to the single article of cotton exported from Savannah, occasions an annual loss to the planter, of more than \$130,000, and vitally affects the commercial prosperity of the city, and the state.

The committee have anxiously considered the suggestions of the memorialists, in relation to the exclusive rights of the steam boat company of Georgia, as these are alleged to affect the commercial



prosperity of Savannah. They have entered into this investigation with an entire respect for the rights of a corporation, founding its claim to their uninterrupted enjoyment, on the plighted faith of the legislature—with a disposition not merely to abstain from their infringement, but also studiously to avoid the suggestion of aught that might call into improper exercise, the feeling which exists so universally, and in general so justly, against chartered monopolies. But the existence of the exclusive rights of this company, is strongly urged by the memorialists as one of the prominent causes of the commercial embarrassments of the city of Savannah—and fourteen years of its chartered term, remain unexpired. It is the imperious duty of the committee, in the discharge of the trust confided to them by the legislature, to examine this allegation, and calmly, but plainly to state the conclusions to which such examination shall conduct them.

The distance from Charleston to Hamburg, is stated, to be double that from Savannah to Augusta. The navigation between the former places is obviously much more dangerous, but it is open to individual enterprise, and the competition which this necessarily begets, or if embraced in the chartered rights of the company, has not hitherto been interrupted by them. It is alleged in the memorial, and it appears by the public gazettes, that notwithstanding this disparity of circumstances, operating directly on the actual cost of transportation, the freight from Charleston to Hamburg, is precisely equal to that from Savannah to Augusta. It may be urged, and as the committee believe, truly urged, that the establishment of the company, has effected a reduction of the river freight, between Savannah and Augusta, but the obvious reply must be, that this is the result of the *application of steam* to the navigation of the Savannah river, that the *whole* influence of this improvement in the river navigation is *not felt*, and is *not felt only* because of the *exclusive right* of the company to apply it. It may be admitted too, that the injurious influence of this exclusive right, on the prosperity of Savannah, results in a great degree from the erection of Hamburg, and the establishment of a steam boat communication between that port and Charleston. Still the fact exists, and can only be removed during the continuance of the charter, by such a reduction of freights, as would bring them to the level to which individual enterprise would reduce them, if the river were open to its exertion. It may be, that such a reduction would be compatible with the interests of the company, by the discontinuance of the pole-boat navigation, and the consequent monopoly which they would enjoy, of the whole freight of the river. It may be, that it would be inconsistent with those interests; but it is certain, that such a reduction must depend on the volition of the company's agents, and cannot be coerced, consistently with their chartered rights. Meantime that portion of the produce of the planter, which finds its way to Savannah through this medium, arrives there loaded with a charge, to which it is fair to believe it would not be subjected, if the river were open to individual enterprise; while a great part of the produce of Georgia, under the combined operation of this and other causes, which have been referred to, seeks a market in Charleston. It is believed, that about 75,000 bales of cotton are annually brought down from Augus-

to Savannah, by the company—If the increased freight be calculated on this quantity—if it be recollected that the cost of transportation, is borne by the planter, as a deduction from the price of his produce, this will form an item of the loss which he sustains, to which he will add the increased price resulting from the same cause, in those articles of his consumption, which constitute the upward freights of the company, and which as the consumer, he must also pay—If to these could be added, a statement approaching to accuracy, of the produce otherwise destined to the markets of Augusta and Savannah, which under the influence of the causes referred to, is diverted from them to Hamburg and Charleston, thereby abstracting from the public wealth, the whole cost of its transit to the port of shipment, and that of the returns in which its proceeds are wholly or partially invested, some tolerable estimate might be formed of the loss which is sustained by the people of Georgia, in the present process of their commercial operations. The committee believe they hazard nothing in asserting, that it would speedily mount up to a sum, more than sufficient to restore to their native freedom all the rivers in the state.

In the prosecution of their enquiries, the committee have been led to consider it as an evil, the injurious effects of which is not limited to Savannah and Augusta, but which operates on the planter and merchant of the interior, that no sufficient means exist for ascertaining and preserving the quality and character of our great staple product in its transit to a foreign market. To maintain the character of an article so extensively cultivated in the state as cotton, is of the utmost importance to the general interest. The introduction, of foreign, heavy, and worthless substances into the middle of a bale of cotton, the inferiority of the bulk of the article, to that portion which more immediately meets the examination of the purchaser, a loss of weight, occasioned either by dampness or a want of accuracy in weighing, and the injury resulting from its exposure in the streets, and on the wharves, even if that injury be merely in the external appearance of the bale, and the round instead of square form of the package, are all calculated to diminish the reputation, and consequently the value of the cotton of the state, and thereby to operate a direct loss to the planter. The enquiries of the committee have led them to believe that there is a deficiency in the regulations immediately applicable to the weighing of cotton, and that its exposure in the streets, is of injurious tendency. It is said that there is a positive gain in weight at the port of delivery, in cotton shipped from Charleston, amounting, in one port at least, that of New-York, nearly to the freight; and that as the custom of exposing it in the streets does not exist in Charleston, it arrives at the port of delivery in neater order, and therefore commands a preference—that this difference of weight, which is not felt by the planter, is known and appreciated by the importing merchant, and a preference thereby secured to the cottons from that port, by which the planter is in the event amply compensated.

An important and profitable business done by our banks, consists in negotiating bills of exchange, drawn in Savannah on our sister states, by the agents of capitalists in those states, who realize through these bills, thus negotiated, the funds necessary to their operations in

our market. It is an obvious evil, that now law exists for the recovery of damages, on the return of such bills, and the rate suggested by the memorialists, seems to the committee to be a reasonable one.

In the execution of the duty assigned to them, the committee have thus endeavored to ascertain the *existence* of the evil complained of by the memorialists, to *define its character*, and to *expose the cause* to which it may be ascribed. The enquiry which remains is this:—Is relief within the reach of the constitutional powers of the legislature, and what is that relief? The committee are thoroughly convinced that the legislature possesses the power to remove the evils complained of by the memorialists, and they concur in the belief that the mode in which that power should be exercised, can neither be doubted nor mistaken.

The evil complained of, is the diminution of the commercial prosperity of Georgia, operating immediately and primarily on the memorialists, and indirectly and ultimately, but with a force no less certain and ruinous, on the agricultural and commercial interests of a great portion of the state. The labor of the planter, so far as it is applied to products intended for market, is realized to him through the medium of commerce, and an active trade sustains a numerous class of our citizens. A well regulated commerce imparts a mutual and certain reward to the toils of the field, and of the counting-room, blessing like charity, both the giver and receiver. But our commerce is not well regulated. The evil complained of results from the defectiveness of its details, which operate to diminish the profits of the merchant, and to lessen the reward of the labors of the agriculturalist. To state the evil, is in the view of the committee, to suggest the remedy. We must revise our system, correct its errors, second the energies of our merchants, and protect from unnecessary exaction the products of agriculture. Let us give to these suggestions a practical character. The operations of commerce which it behoves us to consider, are two fold. They relate,

1. To the importation of foreign merchandize for our domestic consumption.
2. To the exportation of our agricultural products to a foreign market.

We are an agricultural people—emphatically consumers, since even the products of our own agriculture are returned upon us, in the form of articles for our consumption. It behoves us to facilitate their transit, to relieve them from all unnecessary exactions in their progress. Of the regulations on which those depend, some are beyond our control. Their determination is confided to the general government.—The sphere within which we may legitimately operate, is nevertheless sufficiently extensive. Let us limit our view.

The port of Savannah is the *inlet* through which we receive our supply of articles of foreign growth or manufacture, for domestic consumption. Our duty begins there. We must see that the regulations

of that port are such as to invite foreign enterprise. The merchant who supplies us with an article for our consumption from abroad, must receive from us, the home value of that article, the cost of bringing it into our market, with the customary compensation for his trouble, and the capital employed in the adventure. If we diminish the cost of bringing it into our markets, we reduce the price at which he can offer it to us. A prominent article in this cost is freight, and this is enhanced by the subsisting port charges in Savannah. Of these some are unnecessary, being applicable to objects provided for by the national government, while others are inapplicable to any object sufficiently beneficial to authorise their continuance in their present, or in any similar extent.—These remarks relate to the river tonnage duty, and the tonnage duty imposed for the support of the harbor master and health officer. The repeal of the laws, by the authority of which they are levied, is therefore recommended. In connection with the abrogation of the river tonnage duty, the committee would suggest the propriety of applying the fund on hand, under proper direction, to removing or lessening the obstructions between Savannah and *Five Fathom*. The power of appointing the harbor master is already vested in the corporation of the city. It is recommended that the appointment of the health officer be confided to them also, and that they be authorised and required to regulate the fees of both these officers, with a due regard to the services actually performed by them.

The repeal of the tax on commission sales, is also recommended. This tax is considered unwise. It does not reach the importer, but operates with an accumulating force on the consumer, who ultimately pays it, and is in effect a bounty to shippers of merchandize to make their consignments to Charleston and Hamburg, instead of Savannah and Augusta. Of these regulations, the effect of which will be to diminish the price of articles imported at the port of importation, by lessening the cost of importation, and increasing the supply, some are applicable to, and will have the effect of enhancing the price, which the planter will realize on produce exported, by diminishing the cost of its transit from the port of exportation to its destined market.

It remains that the committee should invite the attention of the legislature to the operation of transporting these imported articles, from the place of importation, to that of consumption, and the converse operation of carrying our agricultural products to the port of exportation, keeping it always in mind, that the cost of both processes is borne by the consumer and the cultivator, who are in general identified in the agriculturalist. It will simplify the enquiry, and embrace all that can be applicable to our present purpose, to limit the range between Savannah and Augusta.

At the moment in which we direct our attention to this subject, these reflections are forced on our minds:—The bounty of Providence has given us a noble river—The ingenuity of man has taught us to navigate it by steam, and we have marred these blessings, by closing against individual enterprise—The waters of the Savannah, which every principle of sound policy required us to preserve as free as the

sources of the mountains from whence they flow, are hermetically sealed by legislative enactment, against the adventurous spirit of our citizens. The rights which have been granted must be respected.—The plighted faith of the state must be preserved. But if it shall appear to the legislature, that the existence of these rights is injurious to the commercial and agricultural interest of the state, that the injury which they operate, is not confined to the inhabitants of Savannah and Augusta, but extends to all who deal in the markets of those cities; that it is not limited even to them, but embraces also the inhabitants of Darien, and that portion of our citizens who dwell on the waters of which it is the outlet to the ocean—that the aggregate of this loss speedily mounts up to a sum more than sufficient to extinguish this chartered claim, with the full and free consent of its proprietors—that the means are within the control of the state, without the advance of a dollar from its treasury, then it is respectfully suggested by the committee, that the duty to do so is imperative, that it is demanded by a due regard to the interests of the people of Georgia. The steam-boat company is indebted to the state in the sum of \$100,000. It is understood that the stockholders will be willing, on the release of this debt, to relinquish all claim under their charter. Can it be doubted that sound policy requires the adoption of the measure? The committee concur with the memorialists in believing that an efficient inspection of cotton would be valuable to the state, and until the details necessary to its establishment, which are not at present within the reach of the committee, can be procured, that it will be proper to provide by law that each bale of cotton offered for sale, shall be marked in plain letters with the name, and place of residence of the owner, and to make like provision for the punishment of frauds in packing cotton, and to the intent that the evils which result from the present mode of weighing, and from the exposure of the article in the streets, may, if in fact they exist, be corrected, the committee would suggest the propriety of giving the power to regulate these subjects, to the corporations of the cities of Savannah and Augusta.

The committee would recommend the passage of a law authorising the recovery of five per cent. damages, on bills of exchange, drawn in this state, on any person or persons in any of our sister states, returned for non-payment.

It only remains for the committee to invite the attention of the legislature to the relative situation of Hamburg and Augusta, and then to offer in the form of resolutions, for their consideration, the measures which this investigation has led them to recommend. The committee have already presented the views which they entertain of the injury resulting to the state from the erection of Hamburg, and the establishment of a steam boat communication between it and Charleston, by the diversion of the import and export trade of Georgia, from Augusta and Savannah, to those markets. It is understood that the legislature of South Carolina, has already appropriated about \$100,000 to sustain the town of Hamburg in its competition with Augusta, and has moreover exempted its inhabitants from taxation for a term of years. Shall we on our part, sustain Augusta, or suffer her to sink in the struggle? Shall we preserve the trade of the state, or yield it to

our more enterprising rival? Shall we retain our rank as a commercial state, or become tributary to Carolina? These enquiries are forced upon us, and a stern necessity requires that we should answer them promptly. The time is, in which an option is reserved to us, but it is passing irrevocably from us. It is believed by the committee, that the purchase by the state, of the bridge at Augusta, for the purpose of rendering it free, under such regulations as may be prescribed, to persons trading to that city, in connection with the other measures recommended, will have the effect of restoring its diverted trade perhaps of drawing off a portion of that of its young and enterprising rival. The bank of the state of Georgia, the present proprietors of the bridge, have with a laudable liberality, offered to the state at cost, with a view to this object. The means of payment are easy, by transfer of a portion of the stock held by the state in that institution, or by the assignment of the taxes of the county of Richmond for a term of years, equal to that during which Hamburg is exempted from taxation. This measure the committee beg leave therefore accordingly to recommend.

The following resolutions are respectfully submitted to the consideration of the legislature.

*Resolved*, That it is expedient to provide by law, for the repeal of the tonnage duty, collected in the river and harbor of Savannah, to vest the appointment of the health officer of that port in the corporation of the city, and to authorise and require the said corporation to provide for and regulate the fees of the harbor master and health officer, with a due regard to the services actually performed by them, and each of them—And further to provide for the application of the fund heretofore raised by the river tonnage duty, and now unexpended, to the removal or lessening of the obstructions in Savannah river, between the city and Five Fathom, and to repeal the law laying a tax on commission sales.

*Resolved*, That it would greatly conduce to the interest of the state at large, and would essentially promote its commerce, if the rivers of the state were open to the individual enterprise of its citizens, to accomplish which it is necessary to obtain the voluntary surrender of the chartered rights of the steam boat company of Georgia; and it being understood, that the stockholders in the said company, will be willing to surrender their claims under the said charter, on being released from the debt by them to the state.

*Resolved*, That it is expedient to release the said debt, on the condition of receiving such surrender, and that his excellency the Governor be and he is hereby authorised and requested to take the necessary measures for carrying this resolution into effect.

*Resolved*, That it is expedient to provide by law, for the establishment of an efficient inspection of cotton, and until this can be done, to require that each bale of cotton, offered for sale, shall be marked in plain letters, with the name and place of residence of the owner, and to provide for the punishment of frauds in packing cotton.

*Resolved*, That it is expedient to invest the corporations of the cities of Savannah and Augusta, with power to correct any evils which may exist in the present mode of weighing and storing cotton, in their respective cities.

*Resolved*, That it is expedient to authorise by law, the recovery of five per cent damages on bills of exchange, drawn in this state, on persons residing in either of our sister states, and returned for non-payment.

*Resolved*, That it would greatly conduce to the prosperity of the commerce and agriculture of the state, by preventing the diversion of the former from Augusta and Savannah to Hamburg and Charleston, to purchase the bridge over Savannah river between Augusta and Hamburg, and to render it free, under proper regulations, to persons trading with Augusta. And that the same may be done without any advance of money from the treasury, either by the transfer of stock held by the state in the bank of the state of Georgia, the present proprietors of the bridge, or by a pledge of the taxes of the county of Richmond for a term of years, equal to that during which the citizens of Hamburg are exempted from taxation, and the bank of the state of Georgia having signified its willingness to transfer the same at cost, for the purposes aforesaid—*Resolved*, That it is expedient to accept the said offer, and that his excellency the Governor be, and he is hereby authorised and requested to take the necessary measures to carry this resolution into effect.

Ordered, That 200 copies of said report be printed for the use of the members of both branches of the general assembly.

The senate resolved itself into committee of the whole on the bill to be entitled an act for the incorporation of the town of Macon in Bibb county, Mr. Blackstone in the chair.

The president resumed the chair, and Mr. Blackshear reported they had gone through the bill with an amendment.

The senate took up the report of the committee which was agreed to: And the bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to repeal the 2d and 3d sections of an act passed on the       day of       1823, and to amend the land acts now in force, so far as respects the counties of McIntosh, Tatnall, Bulloch, Bryan, Effingham, Emanuel and Wayne, Mr. Jones of Baldwin, in the chair.

The president resumed the chair, and Mr. Jones reported progress and had leave to sit again.

The senate took up the report.

And the opinion of the president being requested, whether it is in order to legislate on this subject again at this session, (the bill containing matter which has been negatived the present session,) the president determined that it was out of order, and the bill was ordered to lie on the table the balance of the session.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to divide county of Early, Mr. Maxwell in the chair.

The president resumed the chair, and mr. Maxwell reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And on the question "Shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required, are—yeas 35, nays 17.

Those in the affirmative are,

Messrs.

Beall	Joice	Sheffield
Blackstone	Lamkin	Strawn
Berrien	Lockheart of Bulloch	Swain
Bonner	Maugham	Swilley
Brown of Camden	Mann	Tippins
Bullock	McKinne	Walker
Burney	McCrimmon	Watson
Cleveland	Miller	Worthy
Coffee	Montgomery of DeKalb	Wilborn
Garrison	Philips of Jones	Wimberly
Glenn	Robinson	Wooten
Groves	Sellers	

Those in the negative are,

Messrs.

Allen of Burke	Cook	Lockheart of Warren
Allen of Elbert	Crawford	Maxwell
Baker	Gamble	Montgomery of Jackson
Barnett	Harper	Powell
Blackshear	Holt	Powers
Brown of Hancock	Jones of Baldwin	

The senate resolved itself into committee of the whole on the bill to be entitled an act to lay out a new county out of the counties of Wilkes, Warren, Greene, Hancock, and Oglethorpe, and to organise the same, mr. Holt in the chair.

The president resumed the chair, and mr. Holt reported progress, and had leave to sit again.

Ordered, That the said bill be the order of the day for to-morrow.

On motion of mr. Jones of Baldwin,

*Resolved*, That the surveyor general furnish this house with a transcript of the map of this state so far as to contain the counties out of which the county of Marion is proposed to be formed, showing the dividing lines and situations of their respective court-houses, for which he shall have an adequate compensation.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to the report of the committee of conference, as made to senate, on the subject matter of disagreement between the two branches, on the bill of the house to revive and continue in force an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants.



They have passed the following bills, viz :

A bill to be entitled an act to legalise the sheriffs sales of Hancock county.

A bill to be entitled an act for the relief of the heirs and representatives of Thomas Davis, dec'd.

A bill to be entitled an act to lay off the county of Telfair into election distircts.

A bill to be entitled an act authorising all grants under the signature of Simon Whitaker as secretary of state, to be held, read and received as evidence in any court of justice in this state, and to make valid and legalise the same, and also the acts of Thomas H. Crawford deputy secretary, and for Abner Hammond secretary of state.

A bill to be entitled an act to divorce and separate Levina Cheek and William her husband.—and,

A bill to be entitled an act to repeal so much of the second section of an act entitled an act to organize the counties of Irwin, Early, and Appling, as relates to justices of the Inferior court of Irwin county to be commissioners of the court-house and jail of said county, and to appoint the persons hereinafter named the commissioners of said court-house and jail.

And he withdrew.

The senate adjourned until to-morrow morning, 9 o'clock.

### WEDNESDAY, 3d Dec. 1823.

A message from the house of representatives by mr. Dawson, their clerk:

*Mr. President,*

The house of representatives have passed a bill to be entitled an act to lay off three new brigades and create the 7th division Georgia militia.

And he withdrew.

The senate took up the message from the house of representatives of yesterday, and the several bills contained in said message, and also the bill in the message of to-day, were severally read the first time.

Mr. Berrien had leave to report, instanter, a bill to be entitled an act to authorise certain persons therein described, to plead and practise in the courts of law and equity in this state, on the terms therein mentioned—which was read the first time.

The senate took up the report of the committee of the whole on the bill to be entitled an act to divorce and separate Delisha Garner and Richard Garner her husband—which was read,

And on the question 'shall this bill now pass?' it was determined in the affirmative.

And the yeas and nays being required are, yeas 37, nays 13.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Newton	Robinson
Baker	Lampkin	Sterling
Beall	Lockhart of Bulloch	Strawn
Bonner	Lockhart of Warren	Swain
Brown of Camden	Mangham	Swilley
Brown of Hancock	Mann	Tippins
Bullock	McKinnie	Walker
Burney	McCrimmon	Watson
Coffee	Montgomery of DeKalb	Worthy
Gamble	Phillips of Jones	Wilborn
Groves	Powell	Wimberly
Harper	Powers	Wooten
Holt		

Those in the negative are,

Messrs.

Allen of Burke	Crawford	Miller
Backshear	Garrison	Montgomery of Jackson
Blackstone	Glenn	Sellers
Berrien	Maxwell	Sheffield
Book		

The senate took up the report of the committee of the whole, on the bill to be entitled an act to legalize the official acts of the judges of the Superior court, assistant justices, justices of the Inferior court, and justices of the peace in certain cases.

Which was read and amended, and the caption amended, and agreed to.

And the bill read the third time and passed under the title of

A bill to be entitled an act to authorise the admission of certain documents therein mentioned, as evidence in the several courts of this state.

The senate took up the report of the committee of the whole on the bill to be entitled an act to alter so much of an act entitled an act to regulate the general elections in this state and appoint the time of the meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the Superior courts, so far as the same respects the county of Hall, and an act passed on the 18th Dec. 1816, relating to the county of Franklin—which was read and agreed to.

And the bill read the third time and passed under the title of

A bill to be entitled an act to alter so much of an act to regulate the general elections in this state and appoint the time of the meeting of the general assembly, so far as requires all elections to be held at the place of holding the Superior courts, so far as respects the counties of Hall, Richmond, Henry, De Kalb, and Gwinnett, and to amend

an act passed the 16th December, 1816, relating to the county Franklin.

The senate took up the order of the day, and again resolved itself into committee of the whole on the bill to be entitled an act to lay out a new county out of the counties of Wilkes, Warren, Greer, Hancock and Oglethorpe and to organize the same, Mr. Holt in the chair.

The president again resumed the chair, and Mr. Holt, from the committee reported they had gone through the bill with amendments.

The senate took up, amended, and agreed to the report.

And the bill was read the third time—

And on the question "shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required are—yeas 31, nays 22.

Those in the affirmative are,  
Messrs.

Barnett	Glenn	Sellers
Blackstone	Groves	Sterling
Berrien	Jones of Newton	Strawn
Bonner	Joice	Swain
Brown of Camden	Lamkin	Swilley
Burney	Lockheart of Bulloch	Walker
Cleveland	Montgomery of DeKalb	Watson
Coffee	Montgomery of Jackson	Worthy
Cook	Phillips of Jones	Wilborn
Crawford	Robinson	Wooten
Garrison		

Those in the negative are,  
Messrs.

Allen of Burke	Harper	McCrimmon
Allen of Elbert	Holt	Miller
Baker	Lockheart of Warren	Powell
Beall	Mangham	Powers
Blackshear	Mann	Sheffield
Brown of Hancock	Maxwell	Tippins
Bullock	McKinne	Wimberly
Gamble		

A bill to be entitled an act to amend an act entitled an act to incorporate the town of Marion in the county of Twiggs, and to vest certain powers in the commissioners thereof, was read the second time, and ordered for a third reading.

The following bills were severally read the second time, and ordered for committee of the whole, to wit:

A bill to be entitled an act to amend the penal code.

A bill to be entitled an act to separate and divorce Sarah Heard and Stephen G. Heard her husband.

A bill to be entitled an act to alter and amend the second section of an act entitled an act to alter and amend the penal code of this state, passed the 20th December, 1820, and for other purposes—and

A bill to be entitled an act to empower sheriffs and coroners to deliver possession of real estate sold by them under executions to the purchaser, his or her agent or attorney.

The senate took up the report on the bill to be entitled an an act to divorce and separate Patience Tolbert and Washington Tolbert her husband—which was read and agreed to.

The bill read the third time—

And on the question “ Shall this bill now pass ?” the yeas and nays being required, are—yeas 32, nays 17.

Those in the affirmative are,

Messrs.

Allen of Elbert	Joice	Sterling
Baker	Lamkin	Strawn
Beall	Lockheart of Bulloch	Swain
Bonner	Mangham	Swilley
Brown of Camden	Mann	Tippins
Bullock	McKinne	Walker
Burney	McCrimmon	Watson
Coffee	Montgomery of DeKalb	Worthy
Gamble	Powell	Wimberly
Harper	Powers	Wooten
Jones of Baldwin	Robinson	

Those in the negative are,

Messrs.

Allen of Burke	Cook	Miller
Barnett	Crawford	Montgomery of Jackson
Blackshear	Garrison	Sellers
Blackstone	Glenn	Sheffield
Berrien	Lockheart of Warren	Wilborn
Cleveland	Maxwell	

There not being a majority as required by the constitution of this state, the president declared the bill rejected.

The fololwing message was brought from the house of representatives by mr. Dawson, their clerk.

*Mr. President,*

The house of representatives have passed the following bills, to wit:

A bill to be entitled an act to reduce the tax on pedlars.

A bill to be entitled an act to authorise James Richardson to establish a bridge over the Appalachie river, near his mills.

A bill to alter and amend an act more effectually to define the duties of the adjutant general, division and brigade inspectors, and to regulate their pay, &c. passed 23d Dec. 1822.

A bill to be entitled an act to provide for the payment of expenses on trials for escapes from the penitentiary.—and,

A bill to be entitled an act to create a board of public works, and to define their duties.

They have agreed to a resolution appointing commissioners for the Franklin county academy—and,

A resolution appointing commissioners for the Irwin county academy.

To which they desire concurrence.

Mr. Bullock reported, instantler, a bill to be entitled an act to change the time of holding the Superior and Inferior courts in the Flint circuit—which was read the first time.

The senate adjourned until 10 o'clock to-morrow morning.

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*THURSDAY, 4th Decr 1823.*

Mr. Brown of Hancock, moved,

To reconsider so much of the Journal of yesterday as relates to the passage of a bill to be entitled an act to lay out a new county out of the counties of Wilkes, Warren, Greene, Hancock, and Oglethorpe, and to organize the same.

And on the question to reconsider, it was determined in the affirmative.

And the yeas and nays being required are—yeas 50, nays 25.

Those in the affirmative are,

Messrs.

Allen of Burke	Crawford	McKinne
Allen of Elbert	Gamble	McCrimmon
Baker	Harper	Miller
Barnett	Holt	Montgomery of Jackson
Blackshear	Jones of Baldwin	Powell
Berrien	Jones of Newton	Powers
Brown of Camden	Lockheart of Warren	Sheffield
Brown of Hancock	Mangham	Sterling
Bullock	Mann	Tippins
Cook	Maxwell	Wimberly

Those who voted in the negative are,

Messrs.

Beall	Bonner	Cleveland
Blackstone	Burney	Coffee

Garrison	Phillips of Jones	Swilley
Glenn	Phillips of Walton	Walker
Groves	Robinson	Watson
Joice	Sellers	Worthy
Lamkin	Strawn	Wilborn
Lockheart of Bulloch	Swain	Wooten
Montgomery of DeKalb		

Mr. Allen of Elbert from the joint committee on agriculture and internal improvement made the following Report :

The joint committee on agriculture and internal improvement to whom was referred the petition of sundry citizens of Bibb county in favor of Thomas Collier, Report—

That they have had the same under consideration, and from the facts presented to them, they are not enabled to perceive any reason for making the grant requested. They therefore Report—

That they deem the prayer of the petitioner unreasonable and that it ought not to be granted.—Which was agreed to.

Mr. Burney had leave to introduce instantler, a bill to be entitled an act for the relief of William Scott, Joel Wise, Josiah Hardy, and John R. Cargile, which was read the first time.

On motion of mr. Bullock,

*Resolved*, That James S. Fryerson, agent for the state, of the reserved lands at Fort Hawkins, be and he is hereby required to lay before both branches of the legislature a statement in detail, of his official acts in said agency, that is to say, how many fields, lots, houses, and ferries he has rented, to whom rented, and for what amount each was rented for,—which was ordered to lie on the table.

Mr. Walker had leave to introduce instantler, a bill to be entitled an act to regulate the practice of physic, surgery and midwifery, in the county of Richmond, and for other purposes, which was read the first time.

On motion of mr. Gamble,

*Resolved*. That the joint judiciary committee be instructed to enquire into the expediency of appointing some fit and proper person to compile and digest the statutes of England that are in force in the state of Georgia, with power to report by bill or otherwise.

Mr. Jones of Baldwin, had leave to introduce instantler, a bill to be entitled an act to admit Ptolemy T. Harris to plead and practice in the several courts of law and equity in this state, which was read the first time.

On motion of mr. Crawford,

The messenger of senate had leave of absence until Thursday next.

On motion of mr. Swilley,

The senate took up the report of the committee of the whole on the bill to divide the county of Appling.

And on the question to lay the report on the table the balance of the session, the yeas and nays being required are—yeas 27, nays 27.

Those in the affirmative are,  
Messrs.

Allen of Burke	Crawford	Mann
Allen of Elbert	Gamble	Maxwell
Baker	Groves	Miller
Barnett	Harper	Montgomery of Jackson
Blackshear	Holt	Powell
Berrien	Jones of Baldwin	Powers
Brown of Hancock	Jones of Newton	Sterling
Bullock	Lockheart of Warren	Tippins
Cook	Maugham	Wimberly

Those in the negative are,  
Messrs.

Beall	Joice	Sellers
Blackstone	Lamkin	Sheffield
Bonner	Lockheart of Bulloch	Strawn
Brown of Camden	McKinne	Swain
Burney	McCrimmon	Swilley
Cleveland	Montgomery of DeKalb	Watson
Coffee	Phillips of Jones	Worthy
Garrison	Phillips of Walton	Wilborn
Glenn	Robinson	Wooten

The yeas and nays being equal the president voted in the affirmative.

On motion of mr. Cleveland,

The senate again resolved itself into committee of the whole on the bill to be entitled an act to amend the tax laws of this state, mr. Groves in the chair.

The president again resumed the chair, and mr. Groves from the committee reported that they had gone through the bill with an amendment. Ordered, That the report do lie on the table.

On motion,

The senate took up the report of the select committee to whom was referred the memorial of Mathias Maher, E. Jackson, and Arthur Harper for himself, and as the legal representative of Quintin Hamilton, which was again read, and argument had thereon—when,

On motion of mr. Jones of Baldwin,

To lay the report and resolutions on the table for the balance of the session it was determined in the affirmative.

And the yeas and nays being required, are—yeas 36, nays 17.

Those in the affirmative are,  
Messrs.

Allen of Elbert	Beall	Blackstone
Barnett	Blackshear	Brown of Hancock

Burney	Lockheart of Bulloch	Sellers
Cleveland	Lockheart of Warren	Sheffield
Cook	Mangham	Strawn
Garrison	Mana	Swain
Glenn	McCrimmon	Swilley
Groves	Montgomery of DeKalb	Tippins
Harper	Montgomery of Jackson	Worthy
Holt	Philips of Jones	Wilborn
Jones of Baldwin	Philips of Walton	Wimberly
Jones of Newton	Powell	Wooten

Those in the negative are

Messrs.

Allen of Burke	Coffee	Miller
Baker	Crawford	Powers
Berrien	Gamble	Robinson
Bonner	Joice	Sterling
Brown of Camden	Maxwell	Walker
Bullock	McKinne	

The following message was received from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have passed the following bills of senate, to wit :

The bill to be entitled an act to authorise the commissioners of the public roads for the county of Glynn to open a road, and appropriate money to the improvement of the water passage between Brunswick and Darien.

The bill to be entitled an act to amend an act to establish a ferry over the river Alatomaha at Fort Barlington, and to fix the rate of ferriage for Jersey waggons and lagoon ferriage at said ferry.

The bill to be entitled an act to legitimatize a certain male child by calling him William Grogan.

The bill to be entitled an act to provide for taking the census of this state as required by the constitution.

The bill to be entitled an act to amend the title of an act to establish academies in the counties of Bryan and Pulaski.

The bill to be entitled an act to make permanent the public buildings in the county of Crawford and town of Knoxville.

The bill to be entitled an act to alter and change the site of the public buildings in the county of Dooly, and to appoint commissioners of the public buildings of said county.

The bill to be entitled an act to incorporate Budisco academy in the county of Elbert.

The bill to be entitled an act for the relief the citizens of the county of Wayne.

The bill to be entitled an act to alter and change the name of Amos Stewart to that of Amos Attaway and Ann Ham to that of Ann Hamilton, and William Davis to that of William Sheffield.



The bill to be entitled an act to amend the road laws of this state, so far as respects the county of Effingham.

The bill to be entitled an act to make permanent the site of the public buildings for the county of De Kalb, and to incorporate the same.

The bill to be entitled an act explanatory of a part of the 9th section of an act passed on the 21st Dec. 1821, to establish a turnpike over Ogeechee causeway in Bryan county.

The bill to be entitled an act to make permanent the site of the public buildings in Rabun county, and to name and incorporate the same.

The bill to be entitled an act to make permanent the site of the public buildings in the county of Fayette at Fayetteville and to incorporate the same.

The bill to be entitled an act to make permanent the site for the public buildings in the county of Henry, and to incorporate the village thereof under the name of McDonough.

The bill to be entitled an act to amend an act entitled an act to make permanent the site of the public buildings of the village of Gainsville in the county of Hall, and to incorporate the same, passed the 30th November, 1821, and further to define the duties and powers of the commissioners of said village.

The bill to be entitled an act to change the names of certain persons therein named.

The bill to be entitled an act to incorporate the Madison county academy, and to appoint trustees for the same.

The bill to be entitled an act to make permanent the site of the public buildings in the county of Monroe at Forsyth, and incorporate the same.

The house of representatives have passed the following bills, to wit:

A bill to be entitled an act to amend an act entitled an act to alter and amend the several judiciary acts now in force in this state so far as relates to justices' courts, passed 14th Dec. 1811.

A bill to be entitled an act more effectually to protect the interest of parties plaintiffs in suits against joint and joint and several obligors and promissors.

And a bill to be entitled an act to amend an act entitled an act to prevent fraudulent deeds of conveyance, passed March 7th 1755, and an act to prevent fraudulent mortgages and conveyances and for making valid any defect in the form and manner of making thereof, with certain restrictions, passed December 24, 1718, so far as to define the places for recording mortgages and other instruments therein named and the manner of attesting such instruments.

The house of representatives have this day appointed Gen. Allen Daniel Speaker *pro. tem.* in consequence of the indisposition of their Speaker, Gen. Adams.

The senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, 5th Dec. 1823.

On motion,

The honourable senators from the counties of Liberty and Pulaski had leave of absence for a few days.

Mr. Gamble presented a petition from sundry inhabitants of the counties of Jefferson, Burke, Richmond, Columbia, and Warren, praying the formation of a new county—which was read and referred to a select committee consisting of messrs. Gamble, Allen of Burke, Walker, Crawford, and Lockheart of Warren.

Mr. Miller called up the report of the committee on the petition of Ralph Cobb—which was read and ordered to lie on the table for the present.

The senate took up the bill to be entitled an act to lay out a new county out of the counties of Wilkes, Warren, Greene, Hancock, and Oglethorpe, and to organise the same—and,

On motion of mr. Brown, of Hancock,

To lay the bill on the table the balance of the session, it was determined in the affirmative.

And the yeas and nays being required are—yeas 28, nays 25.

Those in the affirmative are,

Messrs.

Allen of Burke	Gamble	McCrimmon
Allen of Elbert	Harper	Miller
Barnett	Holt	Montgomery of Jackson
Beall	Jones of Baldwin	Powell
Blackshear	Jones of Newton	Powers
Berrien	Lockheart of Warren	Sheffield
Brown of Hancock	Mangham	Sterling
Bullock	Mann	Tippins
Cook	Maxwell	Wimberly
Crawford		

Those in the negative are

Messrs.

Blackstone	Joice	Strawn
Bonner	Lamkin	Swain
Brown of Camden	Lockheart of Bulloch	Swilley
Burney	McKinne	Walker
Cleveland	Montgomery of DeKalb	Watson
Coffee	Phillips of Jones	Worthy
Garrison	Phillips of Walton	Wilborn
Glenn	Sellers	Wooten
Groves		

Mr. Wilborn presented a petition from George Cabiness—which was read and referred to a select committee consisting of messrs. Wilborn, Burney, and Bonner.

Mr. Montgomery of Jackson, had leave to report instantler, a bill to be entitled an act supplementary to and amendatory of an act entitled an act to extend the time to take out grants on surveys made on head rights and bounty warrants, passed on the 2d day of Dec. 1823—which was read the first time.

Mr. Gamble had leave to report instantler, a bill to be entitled an act to amend an act to regulate the granting of certioraries and injunctions in this state, passed the 4th day of December, 1811—which was read the first time.

The following bills were severally read the second time, and ordered for a third reading, viz.

A bill to be entitled an act to authorise certain persons therein described to plead and practice in the courts of law and equity in this state, on the terms therein mentioned.

A bill to be entitled an act to lay off three new brigades and create the 7th division of Georgia militia—and,

A bill to be entitled an act to legalise the sheriff's sales of Hancock county.

The following bills were severally read the second time and ordered for committee of the whole, viz. :

A bill to be entitled an act to admit Ptolemy T. Harris to plead and practice in the several courts of law and equity in this state.

A bill to be entitled an act for the relief of William Scott, Joel Wise, Josiah Hardy, and John R. Cargile.

A bill to be entitled an act to regulate the practice of physic surgery, and midwifery in the county of Richmond, and for other purposes.

A bill to be entitled an act to separate and divorce Levina Cheek William Cheek her husband.

A bill to be entitled an act to lay off the county of Telfair into election districts.

A bill to be entitled an act to change the time of holding the Superior and Inferior courts in the Flint circuit.

A bill to be entitled an act for the relief of the heirs and representatives of Thomas Davis, dec'd.

A bill to be entitled an act to repeal so much of the second section of an act entitled an act to organise the counties of Early, Irwin and Appling, as relates to the justices of the Inferior court of Irwin county to be commissioners of the court house and jail of said county, and to appoint the persons hereinafter named the commissioners of said court house and jail—and,

A bill to be entitled an act authorising all grants under the signature of Simon Whitaker as secretary of state, to be held, read and received as evidence in any court of justice in this state, and to make,

valid and legalize the same, and also the acts of Thomas H. Crawford, deputy secretary or for Abner Hammond secretary of state.

The bill to be entitled an act to amend an act entitled an act to incorporate the town of Marion in the county of Twiggs, and to vest certain powers in the commissioners thereof—was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to alter and amend the second section of an act entitled an act to alter and amend the penal code of this state, passed 20th Dec. 1820, and for other purposes, mr. Maxwell in the chair.

The President resumed the chair, and mr. Maxwell reported progress and had leave to sit again.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to grant and secure to the commissioners of the incorporation and citizens of the town of Macon, Bibb county, four acres of ground at or near Fort Hawkins, for the purpose of a public burying ground, mr. Cleveland in the chair.

The president resumed the chair, and mr. Cleveland reported that they had gone through the bill with an amendment.

The senate took up and agreed to the report.

And the bill was read the third time and passed under the title of

A bill to be entitled an act to grant and secure to the commissioners of the incorporation and citizens of the town of Macon, Bibb county, four acres of ground at or near Fort Hawkins for the purpose of public burying grounds.

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend the penal code, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported they had gone through the bill with an amendment.

Ordered, That the report lie on the table.

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend an act entitled an act to authorise parties plaintiffs to issue summons of garnishment in certain cases, as in cases of attachment, passed Dec. 23d, 1822, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported progress and had leave to sit again.

The senate again resolved itself into committee of the whole on the bill to be entitled an act to alter and amend the 43d section of an act for the ordering and governing slaves within this state, passed the 10th day of May 1770, mr. Gamble in the chair.

The president resumed the chair, and mr. Gamble reported that they had gone through bill with amendments.

The senate took up and agreed to the report.

And the bill was read the third time and passed under the title of a bill to be entitled an act to alter and amend an act for the ordering and governing of slaves within this state, passed the 10th day of May 1779.

Mr. Wellborn from the select committee, to whom was referred the petition of George Cabiess, reported

A bill to be entitled an act for the relief of George Cabiess,-- which was read the first time.

On motion of Mr. Walker,

The honourable senator from the county of Washington had leave of absence until Monday next.

A message from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to the amendment of senate to the bill of the house to be entitled an act for the incorporation of the town of Macon Bibb county.

To the amendments of senate to the bill to repeal certain parts of an act passed the 9th December, 1822, entitled an act to amend the several acts establishing a mayor's court in the city of Augusta, and also the several laws incorporating said city, and to restore certain parts of former laws upon this subject.

To the amendment of senate to the bill to be entitled an act to authorise the adjournment of the Superior and Inferior courts and courts of Ordinary in certain cases by the officers therein named.

To the amendment of senate to the bill to be entitled an act to legitimize and change the name of Nancy Davis to that of Nancy Miller,

And to the amendment of senate to the bill entitled an act to alter so much of an act to regulate the general elections in this state and appoint the time of the meeting of the general assembly so far as the same requires all elections to be held at the place of holding the superior courts so far as the same respects the county of Hall.

The house have agreed to the resolution as amended in favor of Isaac Horn, by senate.

The house of representatives have concurred in the resolution of senate appointing Samuel Gillespie vendue master for the town of Macon.

In the resolution appointing a notary public for Fayette county.

And in the resolution appointing James Boykin a commissioner of the Oconee navigation, in place of Isaac Harvey, resigned.

The house of representatives have agreed to resolution appointing to-morrow at 11 o'clock, for the election of a judge of the court of common pleas and oyer and terminer for the city of Savannah, and certain bank directors.

And he withdrew.

The senate took up the several messages from the house of representatives, and concurred in the resolution appointing commissioners of the academy of Irwin county.

The resolution appointing Saturday next, for the election of a judge, of the court of common pleas and oyer and terminer for the city of Savannah, and directors of the State, Planters' and Darien banks.

And the resolution appointing a commissioner of the academy of Franklin county.

Were read and ordered to lie on the table.

The several bills contained in said messages were read the first time.

The bill to be entitled an act to alter and amend the first section of the 4th article of the constitution of the state of Georgia, was ordered to lie on the table the balance of the session.

On motion of mr. Mangham,

*Resolved*, That the committee on agriculture and intornal improvement be instructed to inquire into the expediency of opening a canal from the river Alatomaha to Turtle river with power to report by bill or otherwise.

Mr. Powers laid upon the table the following resolutions :

*Resolved*, That the secretary of state be and he is hereby required to provide proper book or books, and employ a fit and proper person or persons, and have all the books containing the registry of grants and other papers in his office correctly indexed, by placing the different counties separately in alphabetical order, except the registry of lottery grants.

*And be it further resolved*, That the surveyor-general be and he is hereby required to provide the necessary book or books, and employ a fit and proper person or persons and have all the books containing plats or maps in his office correctly indexed by placing the different counties separately in alphabetical order, except the books containing the lottery plats. And it shall be the duty of the said officers to superintend the execution of said work, so far as to see that it is correctly executed in a neat and substantial manner.

*And be it further resolved*, That the persons so employed shall be paid a reasonable compensation for their services by his excellency the Governor out of the contingent fund.

The senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, 6th Dec. 1823.

On motion of Mr. Coffee,

To reconsider so much of the Journal of yesterday as relates to the rejection of the bill to be entitled an act to lay out a new county out of the counties of Warren, Wakes, Oglethorpe, Greene and Hancock, and to organise the same.

And on the question to reconsider it was determined in the negative.

And the yeas and nays being required are—yeas 19, nays 27.

Those in the affirmative are,

Messrs.

Blackstone	Joice	Swain
Bonner	Lockheart of Bulloch	Switley
Barney	Philips of Jones	Walker
Cleveland	Philips of Walton	Worthy
Coffee	Seilers	Wilborn
Garrison	Strawn	Wooten
Groves		

Those in the negative are,

Messrs.

Allen of Burke	Crawford	McCrimmon
Allen of Elbert	Gamble	Miller
Barnett	Harper	Montgomery of Jackson
Beall	Jones of Baldwin	Powell
Blackshear	Jones of Newton	Powers
Berrien	Lockheart of Warren	Sheffield
Brown of Camden	Mangham	Sterling
Brown of Hancock	Mann	Tippins
Bullock	Maxwell	Wimberly
Cook	McKinne	

Mr. Harper presented a petition from the county of Lincoln, which was read and referred to a select committee consisting of messrs. Harper, Crawford, and Montgomery of Jackson.

On motion,

The honourable member from Putnam, had leave of absence until Monday next.—and

The honourable member from the county of Hancock had leave of absence for two or three days.

Mr. Brown of Camden, from the committee of enrollment, reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, viz :

An act to authorise the adjournment of the superior and inferior courts and courts of ordinary to certain cases, by the officers therein named.

An act for the division of the county of Early.

An act to legitimize and change the name of Nancy Davis to that of Nancy Miller.

An act to establish and make permanent the ferry on the Ocmulgee river in the county of Jasper, known by the name of Joseph Hardy's ferry.

An act for the incorporation of the town of Macon in Bibb county.

An act to alter so much of an act entitled an act to regulate the general elections of this state and to appoint the time of the meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the Superior courts, so far as respects the counties of Hall, Richmond, Henry, De Kalb, and Gwinnett, and to amend an act passed on the 18th December, 1816, relating to the county of Franklin—and

An act to repeal the proviso of the first section of an act passed the 9th day of December 1822, entitled an act to amend the several acts establishing a mayor's court in the city of Augusta, and also the several laws incorporating said city and to restore certain parts of former laws upon the subject.

Which were presented to and severally signed by the president of the senate.

Ordered That the committee on enrollment do carry the said acts to his excellency the Governor for his revision.

The president laid before the senate a report from James S. Fryerson, Esq. agent for the state at Fort Hawkins—which was read, and together with the accompanying documents, referred to the committee on finance.

Mr. Montgomery of Jackson, from the committee appointed to examine the surveyor and comptroller generals' offices, reported,

That on this subject they have devoted as much of their time as they could conveniently, consistent with their other duties, and as far as they have been enabled to judge, they find the office of the comptroller-general in excellent order; but they are compelled to remark that the surveyor-general's office is considerably in arrears, a great many plats on which grants have issued are not recorded, which duty ought to have been performed by the late incumbent—that many of the district maps are very much tattered, to which circumstance no blame can be attached to the late incumbent.—They find major Thomas Mitchell in possession of that office—A schedule of the books, maps, &c. belonging to that department is herewith submitted, to wit:

*A Schedule of the Records in the Surveyor-General's Office, on Monday, the 24th November, 1823.*

- 1 Book containing the records of plats surveyed prior to the revolution.
- 1 Book containing the records of re-surveys.
- 32 Books do do. plats surveyed on head rights and bounty warrants.



- 15 Books containing the records of plats in the first and second lotteries.
- 33 Books containing the record of plats in the third and fourth lotteries.
- 145 Small books containing the field notes of the district surveyors of the third and fourth lotteries.
- 94 Books containing the record of the names of fortunate drawers in the third and fourth lotteries.
- 196 Plans of districts.
  - 1 Set of mathematical instruments.
  - 1 Compass and chain.
  - 1 Quadrant.
  - 1 Magnet.
- 2830 Lottery plats not recorded.
- 246 Head rights do do.

THOMAS MITCHELL, *Surveyor-General.*

SURVEYOR-GENERAL'S OFFICE, GEO. }  
 Milledgeville, Dec. 6, 1823. }

Which was read and agreed to.

Mr. Gamble had leave to introduce, instantler, a bill to be entitled an act to compel the citizens in the different counties in this state, as well as citizens of other states, who do now or hereafter may own slaves residing in the county of Jefferson, to make a return of and pay taxes on all such slaves as aforesaid to the receivers of returns and collectors of taxes for the aforesaid county of Jefferson, which by themselves, their attornies, agents, trustees or guardians—which was read the first time.

Mr. Berrien from the joint judiciary committee made the following reports, to wit :

The joint committee on the judiciary, to whom was referred the resolution from the senate requiring an "enquiry into the expediency of reporting a bill to enable a jury to find a divorce on legal principles, for acts of either of the parties after as well as before marriage," beg leave to report,

That the session is now so far advanced as to induce the presumption, that if a bill on this subject were now reported, it could not be investigated and passed with that deliberation and attention that such an important change in the law would be entitled to. The committee therefore, without offering any opinion on the subject, beg leave to be discharged from the further consideration of the resolution.

Which was read and agreed to.

The committee to whom was referred the resolution requiring the judiciary committee to enquire into the expediency of preparing and reporting a bill prohibiting any judge of the superior court in this state presiding in any litigated case, wherein he may have been counsel or attorney for either party, beg leave to report,

That they think there is no necessity for the passage of a law imposing any such restriction, as there is no supernumary judge who could preside in such cases—which was read and agreed to.

The joint committee on the judiciary who were required by a resolution of the senate “to enquire into expediency of compelling all persons charged with offences against the state, to notify their prosecutors of their intention to apply for the benefit of the habeas corpus act before the same be allowed,” respectfully report,

That upon deliberating on the subject submitted to their consideration, are of opinion that it would be inexpedient to enact any other or further regulations than now govern the proceedings under the writ of habeas corpus; that the act of 1808, sufficiently protects the interests of the state, provided the committing magistrate fulfils his duty—which was agreed to.

The joint committee on the judiciary to whom was referred the resolution from the senate instructing this committee to enquire into the expediency of passing a law to provide for the payment of grand and petit jurors, report,

That they have had the same under consideration, and report that they view the services required to be performed by the grand and petit jurors as a tax operating upon the community in a mode similar to the road and militia duties, and although the requisition does not at all times and in all counties operate with perfect equality, yet they do not conceive that any law could be framed changing the mode of levying a tax for the same object, which would operate more equally or be better calculated to administer the laws with justice and impartiality. The committee would recommend the following resolution:

*Resolved*, That it is inexpedient to pass a law having for its object the pecuniary compensation of grand and petit jurors—which was agreed to.

Mr. Berrien, from the joint judiciary committee, also reported the following bill:

A bill to be entitled an act to amend an act to render easy the mode of conveying lands and for making valid all deeds of conveyance heretofore that may be deficient in point of form, passed the 22d February, 1785—which was read the first time.

The bill to be entitled an act supplementary to and amendatory of an act entitled an act to amend an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, passed on the 2d day of December, 1823—was read the second time and ordered for a third reading.

The following bills were severally read the second time, and ordered for committee of the whole, viz:

A bill to be entitled an act to amend an act to regulate the granting of certioraries and injunctions in this state, passed the 4th day of December, 1811.

A bill to be entitled an act for the relief of George Cabiness.

A bill to be entitled an act to alter and amend an act more effectually to define the duties of the adjutant general, division and brigade inspectors, and to regulate their pay, &c. passed the 23d Dec. 1822.

A bill to be entitled an act to amend an act entitled an act to prevent fraudulent deeds of conveyance, passed March 7th 1755, and an act to prevent fraudulent mortgages and conveyances and for making valid any defect in the form and manner of making thereof, with certain restrictions, passed the 24th December, 1768, so far as to define the places for recording mortgages and other instruments therein named, and the manner of attesting such writings.

A bill to be entitled an act to authorise James Richardson to establish a toll bridge over the Apalachie river near his mills.

A bill to be entitled an act to amend an act entitled an act to alter and amend the several judiciary acts now in force in this state, so far as relates to justices' courts, passed 14th Dec 1811.

A bill to be entitled an act more effectually to protect the interests of parties plaintiffs in suits against joint, or joint and several obligors, or promisors.

A bill to be entitled an act to provide for the payment of expenses on trials for escapes from the penitentiary.

A bill to be entitled an act to reduce the tax on pedlars and other itinerant traders.

A bill to be entitled an act to lay off the county of Telfair into election districts,—and

A bill to be entitled an act to create a board of public works and define their duties.

The bill to be entitled an act to lay off three new brigades and create the 7th division of Georgia militia—and

The bill to be entitled an act to authorise certain persons therein described to plead and practise in the courts of law and equity in this state, on the terms therein mentioned.

Were severally read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to legalize the sheriffs' sales of Hancock county, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported the bill with an amendment.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to admit Ptolemy T. Harris to plead and practise in the several courts of law and equity in this state, mr Crawford in the chair.

The president resumed the chair, and mr. Crawford reported the bill with amendments.

The senate took up the report—and,  
On motion of mr. Jones of Baldwin,  
To amend the report by striking out the following section in said  
report, to wit:

*And be it further enacted,* That Eugenius A. Nesbit, shall from and  
after the passing of this act be permitted and allowed to plead and  
practice as an attorney and solicitor in the several courts of law and  
equity in this state on undergoing an examination under the direction  
of any superior court in the same, and being found to possess the re-  
quisite legal information and moral character: *Provided always,* That  
the said Eugenius A. Nesbit, shall after the date of his admission as  
aforesaid be deemed and held competent in law to enter into contracts  
and shall be responsible therefor in like manner as if he were of full  
age.

And on the question to strike out, it was determined in the negative.

And the yeas and nays being required are—yeas 16, nays 32.

Those in the affirmative are,

Messrs.

Bullock	Lockheart of Bulloch Swain
Burney	Montgomery of DeKalb Tippins
Gamble	Phillips of Jones Walker
Garrison	Sellers Wilborn
Jones of Baldwin	Strawn Wooten
Jones of Newton	

Those in the negative are,

Messrs.

Allen of Burke	Coffee	McCrimmon
Allen of Elbert	Cook	Miller
Barnett	Crawford	Montgomery of Jackson
Beall	Groves	Phillips of Walton
Blackshear	Harper	Powell
Blackstone	Joice	Powers
Berrien	Lockheart of Warren	Sterling
Bonner	Mangham	Watson
Brown of Camden	Mann	Worthy
Brown of Hancock	Maxwell	Wimberly
Cleveland	McKinnne	

The report was then agreed to, and the bill read the third time and  
passed under the title of a bill to be entitled an act to admit Ptolemy  
T. Harris and Eugenius A. Nesbit to plead and practise in the several  
courts of law and equity in this state.

The senate resolved itself into committee of the whole on the bill  
to be entitled an act for the relief of William Scott, Joel Wise, Josiah  
Hardy and John R. Cargill, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported the  
bill with an amendment.

Ordered, that the report lie on the table.

A message from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to a resolution appointing notaries public for the county of Chatham.

The house of representatives have passed the following bills, to wit :

A bill to be entitled an act to appoint commissioners and appropriate a sum of money to erect a bridge over the lagoons at the Alamaha river.

A bill to be entitled an act to regulate privileges and elections in this state.

And the bill of the senate to be entitled an act to alter and amend the second section of the second article of the constitution of the state of Georgia.

And he withdrew.

The senate adjourned until Monday morning, 10 o'clock.

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*MONDAY, 8th Dec. 1823.*

Mr. Allen of Elbert, from the joint committee of agriculture and internal improvement made the following Reports.

The joint committee on agriculture and internal improvement to whom was referred his excellency the Governor's communication, dated 26th Nov. with accompanying documents in the relation to the monies, drawn by the commissioners of Briar Creek for the improvement of the navigation thereof, Report—

That upon examination it appears that the sum of eight thousand dollars has been drawn from the treasury by the Burke county commissioners of Briar Creek. That a bond with securities was executed by their treasurer, and lodged in the executive office for the due performance or the trust reposed in him, in the penal sum of ten thousand dollars. That the monies were received and receipted for, by said treasurer, more than three years since, but that no returns have been made by said commissioners as to the expenditures, although, required by law to make semi-annual reports to the executive department.

Your committee therefore have been unable to ascertain whether any improvements have been made on the creek as contemplated by the law making the appropriations and appointing commissioners; and if so, whether the undertaker of such work gave bond as required by law.

They therefore recommend that his excellency the Governor be requested to demand from the commissioners a return of their actings and doings under the said law, within a time to be prescribed by him, and on their failure to make such return, or if he shall be dissatisfied therewith, to put the said bond of the Treasurer in suit and that the unappropriated balance of said fund which now exists, be applied to the clearing of said creek, from the mouth thereof to Millhaven, under the direction of the Scriven county commissioners of said creek, upon their giving the necessary bonds for the faithful application of such sum to the purposes aforesaid.

Which was read and agreed to.

The joint committee on agriculture and internal improvement to whom was referred the petition of sundry citizens of Camden county, praying the adoption of measures to promote the opening of a canal from the St. Mary's river to the river Suwanna, Report—

That they have taken the petition into consideration, and regret that the facts presented do not admit of a definite judgment on this interesting subject. It appears, however, that a safe inland communication from the St. Mary's river to the Gulph of Mexico, is in all probability easily brought about through the medium of a short canal to the Suwanna river. A very superficial knowledge of the geography of the country will make the great importance of this communication sufficiently manifest. The great portion of the shores of the Gulph of Mexico, now owned by the United States—the immense value of the productions of the large and extensive back country, whose foreign commerce must all pass through this dangerous navigation, renders the safety of their commerce an object of high importance in a national point of view.

This is particularly evident in time of war, when the extensive coast of cape Florida must be exposed to all the dangers of naval warfare. If by opening the canal contemplated an easy safe and cheap conveyance can be opened to the commerce of this extensive and valuable portion of our country, it is an object highly worthy of the consideration of the legislature. But the state of Georgia is more especially interested, as one her principal towns and a large portion of her country would be benefitted in an incalculable degree.

Your committee therefore recommend the adoption of the following resolution.

*Resolved*, That his excellency the Governor be and he is hereby requested so soon as a qualified civil and topographical engineer is appointed, in conformity with the laws of this state, to direct him so soon as practicable, to have a survey made between the navigable waters, with a view to ascertain the practicability of opening a canal from one river to the other, and that he cause a report of such survey

to be made to the next ensuing legislature after such survey may have been made.

Which was read and agreed to.

Mr. Berrien called up the resolution of the house of representatives for the election of a judge of the court of common pleas and of oyer and terminer for the city of Savannah, and also certain bank directors therein named.

Which was amended and agreed to, and is as follows :

*Resolved*, That both branches of the legislature do convene in the representatives chamber on Wednesday next, at 3 o'clock, P. M. for the purpose of electing a judge of the court of common pleas and of oyer and terminer for the city of Savannah, and six directors of the State bank, five directors of the Darien bank, and two directors of the Planter's bank.

On motion,

The honourable member from the county of Madison had leave of absence until Wednesday next.

The senate took up the order of the day, and the following bills were severally read the second time, and ordered for committee of the whole, to wit :

A bill to be entitled an act to amend an act to render easy the mode of conveying lands and making all deeds of conveyance heretofore that may be deficient in point of form, passed the 22d Feb. 1788.

And a bill to be entitled an act to compel the citizens in the different counties in this state as well as citizens of other states who do now or hereafter may own slaves residing in the county of Jefferson, to make a return of and pay taxes on all such slaves as aforesaid to the receivers of returns and collectors of taxes for the aforesaid county of Jefferson either by themselves, their attorneys, agents, or guardians.

The following bill was read the third time and passed, viz.:

A bill to be entitled an act supplementary to and amendatory of an act entitled an act to amend an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, passed on the 2d day of December 1823.

The senate resolved itself into committee of the whole on the bill to be entitled an act to regulate the practice of physic surgery and midwifery in the county of Richmond, and for other purposes, Mr. Cleveland in the chair.

The president resumed the chair, and Mr. Cleveland reported that they had gone through the bill with amendments.

The senate took up the report which was agreed to.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to alter the time of holding the Superior and

Inferior courts in the Flint circuit, mr. Lockheart of Warren in the chair.

The president resumed the chair, and mr. Lockheart reported they had gone through the bill with an amendment.

The senate took up the report of the committee—and,  
Mr. Sellers offered the following as a substitute, to wit:

A bill to be entitled an act to alter the time of holding the superior and inferior courts in the Flint circuit.

*Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the superior courts in the different counties in the Flint district, shall be held at the following times, to wit:*

In the county of Bibb, on the first Monday in March and September.

In the county of Pike, on the second Monday in March and September.

In the county of Fayette, on the Thursday thereafter.

In the county of DeKalb, on the third Monday in March and September.

In the county of Henry, on the Thursday thereafter.

In the county of Newton on the fourth Monday in March and September.

In the county of Monroe, on the first Monday in April and Wednesday after the first Monday in October.

In the county of Crawford, on the third Monday in April and October.

And in the county of Houston, on the Thursday thereafter.

Sec. 2. *And be it further enacted by the authority aforesaid, That from and immediately after the passing of this act, the Inferior courts in the different counties in said district shall be held at the times following, to wit:*

In the county of Bibb, on the third Monday in May and November.

In the county of Monroe, of the fourth Mondays in May and November.

In the county of Pike, on the first Mondays in June and December.

In the county of Fayette, on the second Mondays in June and December.

In the county of DeKalb on the Monday thereafter.

In the county of Henry, on the Monday thereafter.

In the county of Crawford, on the Monday thereafter.

And in the county of Houston, on the Monday thereafter.

Sec. 3. *And be it further enacted by the authority aforesaid, That all declarations, writs, recognizances, precepts and processes returnable to either of said courts shall be made returnable at the times herein specified.*

And on the question to amend the report by adopting the foregoing substitute in lieu thereof, it was determined in the negative.

And the yeas and nays being required are—yeas 17, nays 25.



Those in the affirmative are,

Messrs.		
Beall	Garrison	Strawn
Blackstone	Joice	Swain
Bonner	Lockheart of Bulloch	Swilley
Burney	Phillips of Jones	Worthy
Cleveland	Phillips of Walton	Wooten
Coffee	Sellers	

Those in the negative are

Messrs.		
Allen of Burke	Gamble	McCrimmon
Allen of Elbert	Harper	Miller
Barnett	Jones of Baldwin	Montgomery of Jackson
Blackshear	Jones of Newton	Powers
Berrien	Lockheart of Warren	Sterling
Brown of Camden	Mann	Tippins
Bullock	Maxwell	Wilborn
Cook	McKinne	Wimberly
Crawford		

The report being read was agreed to.

And the bill read the third time.

And on the question "Shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required, are—yeas 24, nays 18:

Those in the affirmative are,

Messrs.		
Allen of Burke	Crawford	McKinne
Allen of Elbert	Gamble	McCrimmon
Barnett	Harper	Miller
Blackshear	Jones of Baldwin	Montgomery of DeKalb
Berrien	Jones of Newton	Montgomery of Jackson
Brown of Camden	Lockheart of Warren	Sterling
Bullock	Mann	Tippins
Cook	Maxwell	Wimberly

Those in the negative are

Messrs.		
Beall	Joice	Strawn
Blackstone	Lockheart of Bulloch	Swain
Burney	Phillips of Jones	Swilley
Cleveland	Phillips of Walton	Worthy
Coffee	Powers	Wilborn
Garrison	Sellers	Wooten

The senate resolved itself into committee of the whole on the bill to be entitled an act for the relief of George Cabiness, mr. Lockheart of Bulloch in the chair.

The president resumed the chair, and mr. Lockheart reported the bill with an amendment.

The senate took up and agreed to the report.  
And the bill was read the third time.

And on the question "shall this bill pass?" the yeas and nays being required are—yeas 40, nays 1.

Those in the affirmative are,

Messrs.

Allen of Burke	Jones of Baldwin	Powers
Allen of Elbert	Jones of Newton	Sellers
Barnett	Lockheart of Bulloch	Sterling
Beall	Lockheart of Warren	Strawn
Blackstone	Mann	Swain
Berrien	McKinne	Swilley
Bullock	McCrimmon	Tippins
Burney	Miller	Walker
Cleveland	Montgomery of DeKalb	Watson
Coffee	Montgomery of Jackson	Worthy
Cook	Phillips of Jones	Wilborn
Crawford	Phillips of Walton	Wimberly
Gamble	Powell	Wooten
Harper		

Those in the negative, are

Messrs.

Garrison

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend an act to regulate the granting of certioraries and injunctions in this state, passed the 4th day of December, 1811, Mr. Jones of Newton in the chair.

The president resumed the chair, and Mr. Jones reported the bill without amendment.

The senate took up the report—and,

Mr. Jones of Baldwin moved to amend the report by striking out of said bill the following words, to wit:—"but all and every other person or persons applying for the same shall give the security required by the said act unless the applicant shall make an affidavit that he or she is unable to give the security required by the aforesaid act in which case it shall and may be lawful for the said judges to grant the certioraries and injunctions applied for without such security."

And on the question to strike out, it was determined in the affirmative.

And the yeas and nays being required are—yeas 29, nays 19.

Those in the affirmative are,

Messrs.

Barnett	Coffee	Lockheart of Warren
Blackshear	Crawford	Mangham
Berrien	Harper	Mann
Bullock	Jones of Baldwin	Maxwell
Burney	Jones of Newton	McCrimmon
Cleveland	Lamkin	Miller

Montgomery of DeKalb	Powers	Walker
Montgomery of Jackson	Sellers	Worthy
Phillips of Jones	Sterling	Wooten
Phillips of Walton	Strawn	

Those in the negative are,  
Messrs.

Allen of Burke	Gamble	Swain
Allen of Elbert	Garrison	Swilley
Beall	Joice	Tippins
Blackstone	Lockheart of Bulloch	Watson
Bonner	McKinne	Wilborn
Brown of Camden	Powell	Wimberly
Cook		

The report being amended was agreed to.  
And the bill read the third time and passed.

Mr. Harper from the committee to whom was referred the petition of sundry inhabitants of the county of Lincoln, reported,

A bill to be entitled an act to authorise Daniel Walker to erect a gate at or near his store-house, for the purpose of enabling him to collect toll from persons crossing a bridge built by him across Little river on the road leading from the city of Augusta to the town of Washington, which was read the first time.

The following communication was brought from his excellency the Governor by his secretary mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 8th Dec. 1823. }

In obedience to the dictates of duty, I transmit to both houses an extract of a letter just received from Thomas Spalding, president of the bank of Darien. He asks the payment of the balance of the amount of state subscription, and promises an interest or dividend on that balance of something like 8 per cent. per annum. The expediency of granting this request, must depend on the sound discretion of the legislature. If it should be discovered that in the operations of this institution, the paper issues have generally borne a just and legal proportion, first, to the quantity of specie at any time in its vaults, and secondly, to the actual demand for such issues by a sound and wholesome business, and moreover that such a business will yet justify a demand for this increased capital, I would recommend a compliance with the request of mr. Spalding; it being better that the state should derive something from the employment of its funds; but if upon enquiry it be ascertained that the management of its affairs has not been regulated by prudence or in conformity with law it would naturally beget doubt and hesitation on your part. This is a subject sometimes of necessity, but always of delicate enquiry. The credit of public institutions like that of individuals, is liable to be deeply wounded by a breath of suspicion injurious to them, nevertheless the interest of the entire community are so intimately connected with the faithful management of

s that circumstances may require all considerations of delicacy to them, to yield to those of interest, and of this you will be the best judges.

Signed,

G. M. TROUP.

Which was read, and together with the accompanying documents, read to lie on the table.

r. Jones of Baldwin, from the joint committee appointed to enquire into the expediency of employing the clerk of the house of representatives and the secretary of the senate, at a reasonable compensation, in making an index or indexes to the journals which were in their respective offices, before they were elected to said offices, reported—

That they have discharged the duty assigned them, and find that there are, in the office of the clerk of the house of representatives, at thirty-one manuscript volumes, some of moderate, some of considerable size, embracing the proceedings of the house of representatives from the year 1783, to the year 1819, inclusive, and comprehending a period of thirty-six years; and that there are in the office of the secretary of senate, about twenty three volumes, embracing the proceedings of that body from the year 1790, to the year 1821, inclusive, comprehending a period of thirty-one years. That those periods embrace very interesting events of our civil history; that the legislative proceedings aforesaid relate, in many instances, to matters of first magnitude to the state, and more especially to such of her citizens as have claims against her—That frequent applications are made for extracts from the old journals—That it is frequently impracticable, especially during the press of legislative business, when they are most desirable, to furnish them—That the public service frequently suffers from the extreme difficulty of ascertaining the proceedings of former legislatures on various subjects of legislation—That from the same cause, there is reason to apprehend that unjust claims are sometimes allowed, and just ones rejected—That the clerk of the house of representatives would make a general index to the journals in his office for the sum of fifteen hundred dollars, which would be about forty two dollars a year; and that the secretary of senate would make a general index to the journals in his office for the sum of one thousand dollars, which would be about thirty-two dollars a year, (the journals in his office not being so voluminous as those in the office of the clerk of the house of representatives,) make the aggregate of twenty five hundred dollars.

Believing, as the committee do, that the great advantages of indexes are apparent in the use of those journals which have indexes attached to them, and that the detection of a single unjust claim, or the allowance of a single just one of any magnitude, in consequence of indexing the old journals, would far outweigh the expenditure aforesaid, they cannot hesitate to recommend the employment of the secretary or clerk at the prices and for the purposes aforesaid, especially when it is believed that the detection of *many* unjust claims and the allow-

ance of many just ones, may be the consequences ; and more especially when it is remembered that old members, on whose recollection the legislature have been in the habit of relying, are passing from among us, the public records must soon be the only guides of the legislature.

The committee therefore recommend the adoption of the following resolution :

*Resolved by the Senate and House of Representatives of the State of Georgia,* That Wm. C. Dawson, Esq. clerk of the house of representatives, and Wm. Y. Hunsell, Esq. secretary of senate, be respectively employed to make general indexes to the old journals in their offices, the former, at the sum of fifteen hundred dollars, and the latter at the sum of one thousand dollars : *Provided,* that each shall take and subscribe before his excellency the Governor, an oath or affirmation, to make a clear and full general index to the journals in his office, according to the true intent and meaning of this resolution within the term of two years, and shall moreover enter into a bond with security, to be approved of by the Governor, in an amount to be determined by him, conditioned for the faithful performance of the duty entrusted to them by this resolution ; and that each shall receive one-fourth of the amount allowed him on completing his index up to the year 1800 ; another fourth on completing it up to 1810, and the remainder on finishing the entire work he has undertaken.

<sup>1</sup> Which was read and ordered to lie on the table.

On motion of Mr. Berrien,

Ordered, That the report of the joint committee to whom was referred the memorials from the cities of Savannah, Augusta, and Darien, be the order of the day for Wednesday next.

Mr. Beall had leave to report instantler, a bill to be entitled an act for the relief of Isaac Hall, tax collector for the county of Wilkison, for the year 1821—which was read the first time.

Mr. Powers, from the committee on petitions, reported as follows :

The committee on petitions to whom was referred the petition of Bryant Sheffield, have had the same under consideration, and notwithstanding they regret the occurrence of the circumstances which led the petitioner to ask relief from the legislature, and although they are of opinion that it would be proper to provide by law for all such cases as may hereafter occur, yet they are of opinion that it would be impolitic to provide for this or any other particular case at this time—And therefore would recommend the following resolution :

*Resolved,* That the prayer of the petitioner is unreasonable and ought not to be granted.

Which was read and ordered to lie on the table.

Mr. Maxwell laid on the table the following resolution :

*Resolved,* That both branches of the legislature will convene in the representative chamber on Thursday next, at 3 o'clock P. M. for the

propose of electing a major-general for the 7th division of Georgia militia, a brigadier general of the 3rd brigade of the 6th division, a brigadier general of the 2d brigade of the 5th division, and a brigadier-general for the 2d brigade of the 7th division of Georgia militia.

Mr. Maxwell also laid on the table the following resolution :

*Resolved*, That both branches of the general assembly will adjourn to-morrow, on Saturday the 20th instant.

The senate adjourned until to-morrow morning 10 o'clock.

**TUESDAY, 9th Dec. 1823.**

Mr. Worthy had leave to introduce instantler, a bill to be entitled an act to authorise the justices of the Inferior court for the county of Winnett to convey to the trustees of the Baptist, the Methodist, and the Presbyterian societies, to each a certain quantity of land for the purposes therein mentioned—which was read the first time.

Mr. Burney had leave to introduce instantler, a bill to be entitled an act to authorise the solicitors general to receive fees in defence of criminals out of their respective circuits—which was read the first time.

Mr. Sterling presented a memorial from the citizens of Pike county—which was read and referred to a select committee consisting of Messrs. Sterling, Wilborn, and Blackstone.

Mr. Berrien from the joint judiciary committee made the following reports, to wit :

The joint committee on the judiciary, to whom was referred the resolution instructing them to enquire into the expediency of appointing some fit and proper person to compile and digest the statutes of England that are of force in the state of Georgia, Report—

That they have taken the same into consideration and are of opinion that the subject matter embraced in said resolution, is one well worthy the serious attention of the legislature. That the legislature of Georgia in the year 1784, by law adopted as the law of this state, the common law of England, and such of the statute laws thereof as were usually of force in the state of Georgia, and binding on the inha-

statutes thereof at a certain time and under certain qualifications therein mentioned; and although a considerable length of time has elapsed since the adoption of the said law, yet the legislature has devised no means to facilitate to her citizens the knowledge of the said laws, which it is acknowledged are in force and binding upon them; and it being known that there are but few copies of the statutes of England in the state of Georgia, and those which are of force in this state being comparatively speaking but few, and scattered throughout a heavy and voluminous work, to wit, the statute laws of England up to the year 1776, so that very few have the opportunity afforded to them of knowing what said laws are, and it being not only compatible with, but indispensably necessary to the liberty and interest of a free people, that the laws by which they are governed be promulgated and known, and in as much as the statutes of England that are of force in Georgia, cannot be published conveniently unless they are digested and arranged, by some fit and proper person, whose duty and whose interest it will be to compile and digest the same.

And in order to effect this desirable object, the committee take leave respectfully to recommend the following resolution:

*Resolved by the General Assembly of the State of Georgia, That it is expedient that some fit and proper person should be appointed by the legislature, at its present session, to compile and digest the statute laws of England that are now in force in the state of Georgia, and whose duty it shall be within two years, to report the same to his excellency the Governor, who, after the same has been examined by a committee of three learned in the law, to be appointed by him for that purpose, shall approve or disapprove of the same, and who for their said services shall be paid by the Governor out of the contingent fund; and when the said work shall be performed and approved, that his excellency the Governor be and he is hereby authorised to subscribe for two thousand copies in convenient bound volumes: *Provided*, the same does not exceed the price of four dollars per volume, to be disposed of and distributed as the legislature may direct.*

Which was read and agreed to.

*“Resolved, That the judiciary committee be and they are hereby required to take into consideration the propriety of altering and amending the twelfth section of the first article of the constitution of this state, and such other parts as they may deem necessary, to have the members elected and the legislature convene once in two years, with instructions to report by bill or otherwise.”*

The committee to whom the above resolution was referred, Report. That there is now a bill progressing in the representative branch, embracing the same matter contained in the said resolution, and the committee therefore recommend that the joint judiciary committee be discharged from the further consideration of said resolution.

Which was read and agreed to.

*“Resolved, That the joint judiciary committee be and they are hereby required to take into consideration the propriety of passing a law to make void the grants issued by Simon Whitaker, who is acting*

as secretary of state under an executive appointment, with power to report by bill or otherwise."

The committee to whom the above resolution was referred, Report, That a bill having the same object in view, as proposed by the resolution, has passed the house of representatives, and is now before the senate; the committee would therefore recommend that the joint judiciary committee be discharged from the further consideration of said subject—which was read and agreed to.

He also reported a bill to be entitled an act to vest the appointment of commissioners of academies, vendue masters, notaries public, and lumber measurers, in certain persons therein mentioned, passed the 18th Dec. 1816—which was read the first time.

The joint committee on banks made the following Report—

The joint committee on banks to whom has been referred so much of the communication of the Governor as relates to the banks, and the respective reports of said banks, have had the same under their consideration, and Report—

That they have given that reflection to the subject which its importance requires—That from an attentive examination of all the documents, they feel constrained to say that the exhibits furnished by the different banks appear to the committee to be manifestly short of a compliance with the resolution passed on the 21st December, 1820, requiring such reports to be made—that they are so general in their nature, and at the same time so obscure in their expression, that it has been impossible for the committee to ascertain any thing definitely—whether the directors have not from time to time (in their issues) exceeded the chartered limits of said banks—whether they have not extended loans without having sufficient assurances to rely on the ability of the borrowers to make payment, and, whether they have not made purchases of property at exorbitant prices, to collect such debts thus improvidently made. While the committee feel compelled to indulge in this general remark, they cannot but notice the difference between the reports of the bank of the State of Georgia and those of the others; the directors of that bank having gone much further towards a compliance with the spirit and intention of the resolution. And whilst the committee have been able to ascertain the amount of the extensive losses which that institution has sustained, yet they feel great hopes that by a vigilant prosecution of the course which now appears to be pursued by that bank, those losses may be reclaimed at no distant period, and the institution restored to its former vigor and usefulness.

From the inadequacy of the reports, it has been impossible for the committee to determine on the situation of those institutions with any tolerable certainty. The committee therefore beg leave to offer the following resolution.

*Resolved*, That the different banks in this state in which the state is a stockholder, shall be and they are hereby required to make plain and



full exhibits to his excellency the Governor of this state for the time being, by the 20th day of October in each year, of the *real state and condition of those institutions*, calculated to the first day of October preceding, particularly showing in their respective reports and exhibits the amount of specie in their vaults and owned by said banks, the amount of issues in circulation, the amount of discounted paper due and running to maturity, designating the amount in suit, the amount considered bad, and the amount considered doubtful, with an exhibit of the names of the parties makers and endorsers of such bad and doubtful paper, and at what time or times such loans were made—a schedule and description of all real or personal property owned by said banks, and from whom purchased, the particular circumstances which induced the purchase of such property, its real value at the time of purchase, and its value on the first day of October in each and every year from and after the date, so long as such reports may be required.

Which was read and ordered to lie on the table.

The senate took up the message from the house of representatives, of the sixth instant, and the several bills therein contained were read the first time, and the resolution therein contained was read and ordered to lie on the table.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to empower sheriffs and coroners to deliver possession of real estate sold by them under executions to the purchaser his or her agent or attorney, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported the bill with amendments.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to amend an act entitled an act to alter and amend the several judiciary acts now in force in this state, so far as relates to justices courts, passed 14th December 1811, mr. Phillips of Jones in the chair.

The president resumed the chair, and mr. Phillips reported that they had disagreed to the bill.

Ordered, That the report lie on the table the balance of the session.

The senate resolved itself into committee of the whole, on the bill to be entitled an act authorizing all grants under the signature of Simon Whitaker as secretary of state, to be held, read and received as evidence in any court of justice in this state, and to make valid and legalize the same, and also the acts of Thomas H. Crawford, deputy secretary or for Abner Hammond secretary of state, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported the bill with amendments.

The senate took up the report.

And on motion to amend the report by striking out the following proviso, to wit: "*Provided* the grantee shall produce his her or their

rant to the now secretary of state and have his name signed to the same, which he is hereby required to do without any additional cost of the grantee"—it was determined in the affirmative.

And the yeas and nays being required are—yeas 24, nays 22.

Those in the affirmative are,

Messrs.

Baker	Garrison	Phillips of Walton
Ball	Glenn	Powell
Blackstone	Jones of Newton	Sellers
Bonner	Lockheart of Bulloch	Swilley
Brown of Camden	Mangham	Tippins
Burney	McKinne	Watson
Cleveland	Montgomery of DeKalb	Worthy
Coffee	Phillips of Jones	Wooten

Those in the negative are,

Messrs.

Allen of Burke	Gamble	McCrimmon
Allen of Elbert	Harper	Miller
Barnett	Holt	Montgomery of Jackson
Blackshear	Jones of Baldwin	Powers
Berrien	Lockheart of Warren	Walker
Bullock	Mann	Wilborn
Cook	Maxwell	Wimberly
Crawford		

The report being agreed to, the caption of the bill was amended, and the bill read the third time and passed under the title of

A bill to be entitled an act authorising all grants under the signature of Simon Whitaker as secretary of state, to be held, read and received as evidence in any court of justice in this state, and also the acts of Thomas H. Crawford deputy secretary, or for Abner Hammond secretary of state.

The senate resolved itself into committee of the whole, on the bill be entitled an act for the relief of the heirs and representatives of Thomas Davis, deceased, Mr. Coffee in the chair.

The president resumed the chair, and Mr. Coffee reported the bill without amendment.

The senate took up, and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill be entitled an act to lay off the county of Telfair into election districts, Mr. Wooten in the chair.

The president resumed the chair, and Mr. Wooten reported that they had gone through the bill with amendments.

Ordered that the report lie on the table.

Mr. Coffee had leave to report instantler, a bill to be entitled an act to change the time of holding the Inferior courts in the county of Telfair, which was read the first time.

Mr. Berrien laid on the table the following resolution.

*Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby resolved by the authority of the same, That the following shall be proposed as an amendment to the constitution of the United States.—That no part of the constitution of the United States ought to be construed to authorise the importation or ingress of any person of color into any one of the United States contrary to the laws of such state. And that his excellency the Governor be and he is hereby requested to communicate this resolution to the Governors of the different states, with a request that the same may be submitted to their respective legislatures, and that he do also communicate the same to our senators and representatives in Congress.*

Mr. Lockheart from the joint penitentiary committee reported to wit:

The joint committee on the penitentiary having performed the duties assigned them, Report—

That in the performance of the duties required of them they have directed their attention to the management of the institution for the present year ending the first day of November last, the state of the building, employment of the convicts, their government, &c. the expenditure of money, the amount of wrought and raw materials on hand, together with their value, the manner in which the books and accounts of the institution are kept.

In the investigation of the several items above mentioned your committee have been greatly satisfied, so far as respects the administration of the institution, and are of opinion that more could not have been done or expected, than has been done by the keeper and inspectors. They however are satisfied that the wrought materials on hand, taking into view the difference between the retail price and cash value of the articles, together with some articles on hand that will never bring the value of raw materials they were made of, cannot yield the amount of money for which the institution stands credited by them. So far as respects the books and accounts your committee in justice to the keeper and inspectors, are bound to acknowledge the manner in which they are kept, present them in a view entirely correct, fair, and plain.

Your committee to whom was referred the resolution from the senate instructing the said committee to inquire into the expediency of introducing a tread or step mill in the penitentiary, Report—

That they have had the same under consideration, and are of opinion that it would be impolitic at the present session to pass any law to establish a stepping mill in the penitentiary.

Your committee to whom was referred the resolution from the house of representatives instructing the said committee to enquire into the expediency of continuing three inspectors employed therein, Report:

That they have had the same under consideration, and deem them essential to the interest and prosperity of the institution, but recommend their wages curtailed.

Your committee to whom was referred the resolution from the senate instructing the committee to enquire into the expediency of classing the convicts, Report—

That they are of opinion that good might result from such a measure, therefore recommend that hereafter a separation shall be made between the convicts confined in the penitentiary so as to keep those that are young in crime separate from those that are more hardened in guilt. They would further recommend that they should have a regular and daily task, and as an inducement to perform the same that they should be allowed something extra for all work done over and above their task.

Your committee feel bound to recommend that the convicts in the penitentiary shall be allowed from two to three ounces of bread more per day than is now allowed to each convict.

The committee avail themselves of the opportunity to express their sentiments on the penitentiary system of imprisonment. Our experience tends to establish these facts that since the establishment of the penal code of laws in our state, we have no hesitation in saying that the mode of punishment by penitentiary imprisonment has not had the effect to prevent the commission of crimes as was expected, but the contrary has been the result. Penitentiary imprisonment promotes and increases the commission of crimes, increases the turpitude of the convicts, causes criminals to come from other states that have different laws, and beyond all doubt has and will be an expense to the state so long as the institution is kept up. The committee therefore recommend the entire abolition of the penal code of laws, and that the old code of laws be again revived.

*Resolved*, That the penitentiary committee be discharged from further service during the present legislature.

Which was read and ordered to lie on the table.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to authorise James Richardson to establish a toll bridge over the Apalachie river near his mills, mr. Joice in the chair.

The president resumed the chair, and mr. Joice reported they had gone through the bill without an amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to provide for the payment of expences on trials for escapes from the penitentiary, mr. Tippins in the chair.

The president resumed the chair and mr. Tippins reported they had gone through the bill without amendments.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to repeal so much of the second section of an act entitled an act to organise the counties of Early, Irwin and Appling, as relates to the justices of the Inferior court of Irwin county to be commissioners of the court house and jail of said county, and to ap-

point the persons hereinafter named the commissioners of said court-house and jail, mr. Wilborn in the chair.

The President resumed the chair, and mr. Wilborn reported that they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

On motion,

That the bill entitled an act to reduce the tax on pedlars and other itinerant traders do lie on the table for the balance of the session, it was determined in the negative.

And the yeas and nays being required, are—yeas 20, nays 30.

Those in the affirmative are,

Messrs.

Allen of Burke	Gamble	Montgomery of Jackson.
Allen of Elbert	Glenn	Philips of Jones
Baker	Jones of Baldwin	Powell
Blackshear	Lockheart of Warren	Walker
Berrien	Mann	Wimberly
Bullock	Maxwell	Wooten
Crawford	Miller	

Those in the negative are,

Messrs.

Barnett	Harper	Philips of Walton
Beall	Holt	Powers
Blackstone	Jones of Newton	Sellers
Bonner	Joice	Steeling
Brown of Camden	Lamkin	Swain
Burney	Lockheart of Bulloch	Swilley
Cleveland	Mangham	Tippins
Coffee	McKinne	Watson
Cook	McCrimmon	Worthy
Garrison	Montgomery of DeKalb	Wilborn

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have passed the following bills, to wit:

A bill to be entitled an act to incorporate Philomathia academy in the county of Elbert.

A bill to be entitled an act to alter and amend an act incorporating the town of St. Marys.

A bill to be entitled an act to vacate the seat of members of the board of trustees of the University of Georgia in certain cases.

A bill to be entitled an act to change the names of Young G. W. Fickling and Caroline S. Fickling, to Young G. W. Burk and Caroline S. Burk.

A bill to be entitled an act to separate and divorce Jane Harrell and James Harrell her husband.

A bill to be entitled an act to divorce and separate John Crow and Nancy his wife.

A bill to be entitled an act to carry into effect the 6th section of the 4th article of the constitution—and

A bill to be entitled an act to add a part of the county of Franklin to the county of Madison.

They have agreed to a resolution appointing commissioners and trustees of the Appling county academy—and,

To a resolution authorising and requesting his excellency the Governor to have printed, upon his approval, copies of all acts of this legislature, which may be of a public nature, &c.

And he withdrew.

Mr. Brown from the joint committee on enrollment reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, viz :

An act to incorporate Radisco academy in the county of Elbert.

An act to amend the title of an act to establish academies in the counties of Bryan and Pulaski.

An act to amend an act entitled an act to make permanent the site of the public buildings of the village of Gainsville in the county of Hall, and to incorporate the same, passed the 30th November, 1821, and further to define the duties and powers of the commissioners of said village.

An act to amend the road laws of this state, so far as respects the county of Effingham.

An act to make permanent the public buildings in the county of Crawford and town of Knoxville.

An act to provide for taking the census of this state as required by the constitution.

An act to authorise the commissioners of the public roads for the county of Glynn to open a road, and appropriate money to the improvement of the water passage between Brunswick and Darien.

An act to make permanent the site of the public buildings in the county of Monroe at Forsyth, and to incorporate the same.

An act to change the names of certain persons therein named.

An act to alter and change the names of Amos Stewart to that of Amos Attaway and Ann Ham to that of Ann Hamilton, and also that of William Davis to that of William Sheffield.

An act to remove the court-house or the site of the public buildings in the county of Wayne.

An act explanatory of a part of the 9th section of an act passed on the 21st Dec. 1821, to establish a turnpike over Ogeechee causeway in Bryan county.

An act to amend an act to establish a ferry over the river Alamaha at Fort Barrington, and to fix the rate of ferriage for Jersey waggons and lagoon ferriage at said ferry.

An act to make permanent the site of the public buildings for the county of De Kalb, and to incorporate the same.

An act to alter the site of the public buildings of the county of Deoly, and to appoint commissioners of the public buildings of said county.

An act to legitimate a certain male child by calling him William Grogan.

Which were presented to and severally signed by the president of the senate.

Ordered, That the committee on enrollment do carry the same to his excellency the Governor for his revision.

The following communication was received from the Governor, by his secretary, Mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA. }  
*Milledgeville, 9th Dec. 1823.* }

During the short period I have been in the executive office it has not been difficult to ascertain, that the books and papers of it, are in such disorder and confusion as to require immediate attention—Instead of a regular classification and an alphabetical arrangement under it, the papers of all kinds, without regard to the subject matter of them, are put on file as they are received. The consequence of this practice is, that the existence of documents depending on the memory alone, the most experienced in the details of the office are at a loss where to look for them, and the search after any, the most important and recent, is as likely to be fruitless as available. If you think with me, therefore, that this is matter of sufficient public importance to justify expense, I would recommend to you to authorise the employment of a competent number of active clerks, with stipulated compensation, who shall under the direction of the head of the department, perform this special service—The work being finished, they may be discharged. The old books and papers connected with events which form our early history, are thrown into trunks and put aside as food for worms—So far as the history of our country is of any value to us, I submit for your consideration, whether these also may not be overhauled, and be made to pass through a similar classification and arrangement.

Signed,

G. M. TROUP.

Which was read and referred to the joint committee on the state of the republic.

The senate adjourned until half past 9 o'clock to-morrow morning.

WEDNESDAY, 10th Dec. 1823.

On motion of mr. Swain,

Whereas, it is the undoubted right of the good people of this state, whenever they think fit, to alter and change the principal laws by which they are governed, and it is the opinion of the legislature that a great number of the citizens are desirous of altering the penal code of this state, and abolishing penitentiary confinement.

*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That it shall be the duty of the magistrates who shall preside at the election for members of the General Assembly, in the several counties of this state at the next general election, to receive and register the votes of the persons voting at the said election, on the propriety of altering said code and abolishing penitentiary confinement; and to this end, the said magistrates are hereby required upon receiving the votes of each and every individual to enquire whether it is the will of each voter that said code should be altered as aforesaid.

*And be it further enacted,* That it shall be the duty of the magistrates to make a correct return of the votes so taken as aforesaid to the Governor of this state within thirty days after said election, to be by him submitted to the next legislature, to the intent that may make provision accordingly, if a majority of the citizens of this state shall require the same to be done.

*And be it further resolved,* That his excellency the Governor be and he is hereby requested to have the foregoing resolutions published in the gazettes of this state for three months before the next general election, and pay for the same out of the contingent fund.

Which was read and ordered to lie on the table.

On motion of mr. Beall,

Whereas, the county of Wilkinson has been improperly charged with the sum of \$504 70½ by the commissioners of confiscated property, in conjunction with other counties, as per document No. 4, accompanying the Governor's communication—And whereas said county has never received any funds whatever for the benefit of academies from the state.

*Be it resolved therefore,* That his excellency the Governor be and he is hereby authorised and required to cause the said county of Wilkinson, so charged, to be exonerated from the same and placed on the same footing with other counties that have never received any thing for the benefit of academies.

Which was read and ordered to lie on the table.

On motion,

Ordered, That the communication of his excellency the Governor, relative to the Darien Bank, be referred with the accompanying document to the committee on banks.



The senate took up the message from the house of representatives, and the resolutions authoring his excellency the Governor to cause all the acts passed at the present session, of a public nature, to be printed—and,

The resolution appointing a commissioner of the Appling county academy, and trustees for the same—

Were severally read and agreed to.

And the bills therein contained were severally read the first time.

Mr. Cleveland had leave to introduce, instantler, a bill to be entitled an act to repeal a part of the 20th section of the militia laws, and amend the same—which was read the first time.

The senate again resolved itself into committee of the whole on the bill to be entitled an act to distribute the bank dividends and other nett proceeds of the poor school fund, among the different counties in this state, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported progress and had leave to sit again.

The senate took up the report of the joint penitentiary committee, which was read and ordered to lie on the table.

The senate took up the report of the bank committee, which was read, amended and agreed to, as follows.

The joint committee on banks to whom has been referred so much of the communication of the Governor as relates to the banks, and the respective reports of said banks, have had the same under their consideration, and Report—

That they have given that reflection to the subject which its importance requires ; that from an attentive examination of all the documents they feel constrained to say that the exhibits furnished by the different banks appear to the committee to be manifestly short of a compliance with the resolution passed on the 21st December, 1820, requiring such reports to be made,—that they are so general in their nature, and at the same time so obscure in expression, that it has been impossible for the committee to ascertain any thing definitely, whether the directors have not from time to time, in their issues, exceeded the chartered limits of said banks, whether they have not extended loans without having sufficient assurances to rely on the ability of the borrowers to make payment, and whether they have not made purchases of property at exorbitant prices to collect such debts thus imprudently made. The committee have adverted to the explanatory remarks accompanying the report of the State bank, and recommend that a similar mode of explanation be resorted to in future by all the institutions—But they are constrained to remark that from the inadequacy of the reports, it has been impossible for the committee to determine on the situation of those institutions with any tolerable certainty—The committee therefore beg leave to offer the following resolution:

*Resolved*, That the different banks of this state, in which the state is a stockholder, shall and they are hereby required to make plain and full exhibits to his excellency the Governor of this state, for the time being, by the 20th day of October in each year, of the *real state and condition of those institutions*, calculated to the first day of October preceding, particularly showing in their respective reports and exhibits the amount of specie in their vaults, and owned by said banks—the amount of issues in circulation—the amount of discounted paper due and running to maturity, designating the amount in suit, the amount considered bad, and the amount considered doubtful, with an exhibit of the names of the parties, makers and endorsers of such bad paper, and at what time or times such loans were made—a schedule and description of all real or personal property owned by said banks, and from whom purchased—the particular circumstances which induced the purchase of such property—its value at the time of purchase, its value on the first day of October in each and every year from and after this date, so long as such reports may be required.

Mr. Walker had leave to introduce instanter, a bill to be entitled an act to establish a ferry on Flint river on fraction 229, in the 15th district of Dooly county—which was read the first time.

Mr. Brown, from the committee of enrollment, presented as duly signed by the speaker of the house of representatives.

An act to lay off three new brigades and create the 7th division of Georgia militia.

Which was presented to and signed by the president of the senate.

Ordered, That the committee of enrollment carry said act to his excellency the Governor for his revision.

On motion of mr. Walker,

*Resolved*, That his excellency the Governor be, and he is hereby authorised and requested to have proper blinds or curtains attached to the windows of the senate chamber and representative hall, for the convenience of the members, to be paid for out of the contingent fund.

A message from his excellency the Governor, by his secretary mr. Wood.

*Mr. President*,

His excellency the governor has assented to and signed the following acts, which originated in this branch of the general assembly, to wit:

An act to amend an act entitled an act to make permanent the site of the public buildings of the village of Gainsville in the county of Hall, and to incorporate the same, passed the 30th Nov. 1821, and further to define the duties and powers of the commissioners of said village.

An act to amend an act to establish a ferry over the river Alata-maha at Fort Barrington, and to fix the rate of ferriage for Jersey wag-gons and lagoon ferriage at said ferry.

An act to make permanent the site of the public buildings in the county of Monroe at Forsyth, and incorporate the same.

An act to authorise the commissioners of the public roads for the county of Glynn to open a new road, and appropriate a sum of money to the improvement of the water passage between Brunswick and Darien.

An act to make permanent the site of the public buildings for the county of De Kalb and incorporate the same.

An act explanatory of a part of the 9th section of an act passed on the 21st December, 1821, to establish a turnpike over Ogechee causeway in Bryan county.

An act to legitimate and change the name of a certain male child by calling him William Grogan.

An act alter and change the names of Amos Stewart to that of Amos Attaway, and Ann Hamm to that of Ann Hamilton, and also that of William Davis to that of William Sheffield.

An act to make permanent the public buildings in the county of Crawford and town Knoxville.

An act to provide for taking the census of this state, as required by the constitution.

An act to amend the title of an act to establish academies in the counties of Bryan and Pulaski.

An act to remove the court-house or the site of the public buildings in the county of Wayne.

An act to change the names of certain persons therein named.

An act to amend the road laws of this state so far as respects the county of Effingham.

An act to alter and change the site of the public buildings of the county of Dooley, and to appoint commissioners of the public buildings of said county.

An act to incorporate Eudisco academy in the county of Elbert.

Ordered, That the committee of enrollment carry said acts to the secretary of state's office and see the great seal of the state affixed thereto.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to the report of the joint committee on finance, relative to the fees which the several officers of the state-house receive on the transit of grants through the different offices for fractions.

To the report of the joint committee of finance, in favor of James Bozeman, late comptroller general.

The house of representatives have agreed to the amendments of senate to the resolution of the house relative to certain elections, with an amendment by way of substitute.

To which they desire concurrence.

And he withdrew.

The senate took up the message and and concurred in the two reports of the committee on finance.

And the resolution for certain elections was read and ordered to lie on the table.

The senate again resolved itself into committee of the whole on the bill to be entitled an act to alter and amend the second section of an act entitled an act to alter and amend the penal code of this state, passed the 20th December, 1820, and for other purposes, mr. Maxwell in the chair.

The president resumed the chair, and mr. Maxwell reported they had gone through the bill with amendments.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

Mr. Montgomery of Jackson, laid on the table the following resolutions :

Many of the states having expressed their preference for one or the other of the distinguished individuals who are candidates for the chief magistracy of the United States—To give to our fellow-citizens throughout the union, that evidence of the wishes of the people of this state—

*Be it therefore resolved,* That the people of this state look with confidence to the election of their fellow citizen William H. Crawford to the high and responsible office of President—But should it be deemed necessary, to preserve undivided the republican interest of the Union, that their personal predilections should yield to the clearly expressed voice of the republican majority, the sacrifice will be made.

The senate adjourned until to-morrow morning 10 o'clock.

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*THURSDAY, Dec. 11th 1825*

On motion of mr. Burney,

The senate took up the report of the committee of the whole on the bill to be entitled an act for the relief of William Scott, Joel Wise, Josiah Hardy, and John R. Cargile—which was read and disagreed to.

On motion of mr. Montgomery of Jackson,

The senate took up the resolution of yesterday on the subject of the approaching Presidential election, which was read.

And mr. Burney proposed the following as a substitute therefor, to wit:

Whereas it is desirable to ascertain the wishes of the citizens of this state in relation to the several candidates now presented to them, or who may hereafter be presented to them for President of the United States.

*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That it shall be the duty of the magistrates who shall preside at the several elections to be held in the different counties of this state for the choice of members of the next legislature, at the next general election therein to propose to each and every voter, at the time of receiving his vote, which one of the several candidates he desires should be elected President of the United States, and to request such voter to signify such desire by endorsing on his ticket the name of the person he may prefer, according to the truth of the fact, and on counting out the ballots, to annex to the return of the said election by them so transmitted to the executive department, a true statement of the votes so given, to the end that the same may be laid before the next legislature by his excellency the Governor immediately after the meeting of the same.

*And be it further resolved,* That his excellency the Governor be, and he is hereby requested to cause this resolution to be published without delay in the several gazettes of this state, and to continue the said publication once a month until the next general election.

And on the question to adopt the substitute in lieu of the original resolution, it was determined in the negative.

And the yeas and nays being required are, yeas, 19, nays 34.

Those in the affirmative are,

Messrs.

Blackstone	Lockheart of Bulloch	Swilley
Barney	Philips of Jones	Walker
Cleveland	Philips of Walton	Watson
Coffee	Sellers	Worthy
Garrison	Strawn	Wilborn
Glenn	Swain	Wooten
Joice		

Those in the negative are,

Messrs.

Allen of Burke	Brown of Camden	Holt
Allen of Elbert	Brown of Hancock	Jones of Baldwin
Baker	Bullock	Jones of Newton
Barnett	Cook	Lamkin
Beall	Crawford	Lockheart of Warren
Blackshear	Gamble	Mangham
Berrien	Groves	Manr.
Bonner	Harper	Maxwell

McKinne	Montgomery of Jackson	Sterling
McCrimmon	Powell	Tippins
Miller	Powers	Wimberly
Montgomery of DeKalb		

On the question to agree to the original resolution, it was determined in the affirmative.

And the yeas and nays being required are—yeas 34, nays 19.

Those in the affirmative are,  
Messrs.

Allen of Burke	Crawford	Maxwell
Allen of Elbert	Gamble	McKinne
Baker	Groves	McCrimmon
Barnett	Harper	Miller
Beall	Holt	Montgomery of DeKalb
Blackshear	Jones of Baldwin	Montgomery of Jackson
Berrien	Jones of Newton	Powell
Bonner	Lampkin	Powers
Brown of Camden	Lockhart of Warren	Sterling
Brown of Hancock	Mangham	Tippins
Bullock	Mann	Wimberly
Cook		

Those in the negative are,  
Messrs.

Blackstone	Lockhart of Bulloch	Swilley
Burney	Phillips of Jones	Walker
Cleveland	Phillips of Walton	Watson
Coffee	Sellers	Worthy
Garrison	Strawn	Wiborn
Glenn	Swain	Wooten
Joice		

The president's vote being solicited, he gave it in the affirmative.

The senate resolved itself into committee of the whole on the bill to be entitled an act to authorize the citizens of Baldwin county to establish common schools; mr. Bullock in the chair.

The president resumed the chair, and mr. Bullock reported that they had gone through the bill with amendments.

The senate took up the report which was agreed to.

And the bill was read the third time and passed.

The senate again resolved itself into committee of the whole on the bill to be entitled an act to distribute the bank dividends and other net proceeds of the poor school funds among the different counties in this state, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported they had gone through the bill with amendments.

Ordered, That the report lie on the table.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to amend an act entitled an act to prevent fraudulent deeds of conveyances, passed March 7th, 1755, and an act to prevent fraudulent mortgages and conveyances and for making valid any defect in the form and manner of making thereof, with certain restrictions, passed the 24th December, 1768, so far as to define the places for recording mortgages and other instruments therein named, and the manner of attesting such writings, Mr. Holt in the chair.

The president resumed the chair, and Mr. Holt reported they had gone through the bill with amendment.

The senate took up the report of the committee, which was agreed to. And the bill read the third time and passed.

A message from his excellency the Governor, by his secretary, Mr. Wood.

*Mr. President,*

His excellency the Governor has approved of and signed the following resolutions, which originated in this branch of the legislature, viz :

One appointing James Boykin a commissioner of the Oconee navigation, in the place of Isaac Harvey, resigned.

One appointing Samuel Gillespie a vendue master for the town of Macon in the county of Bibb—and,

One appointing Collin Alford, a notary public for the county of Fayette.

A message from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have passed the following bills to wit :

A bill to be entitled an act to authorise the Inferior court of the county of Baldwin, to levy an extra tax for county purposes.

A bill to be entitled an act to amend the 7th section of an act entitled an act to amend an act entitled an act to revive and amend the judiciary system of this state, passed the 16th February, 1799, and to provide for opening the several courts of ordinary in this state, in certain cases.

A bill to be entitled an act for the relief of honest debtors.

A bill to be entitled an act to ratify the proposed convention between the states of South Carolina and Georgia, relative to the Savannah and Tugalo rivers.

A bill to be entitled an act to relieve the inhabitants on the South and North side of the Great Satilla, and the inhabitants on the North side of Crooked river from working on the main post road or performing duty thereon for the term of one-year, and appoint commissioners and to compel the inhabitants to duty on the roads herein named.

A bill to be entitled an act to make all cases returned at the last Superior court in the county of Elbert stand for trial at the next Superior court.

A bill to be entitled an act for the relief of that portion of the inhabitants of Richmond county, who reside or own property within three miles of the city of Augusta, and without the corporate limits of said city.

A bill to be entitled an act to alter and amend an act passed the 22d December, 1819, entitled an act to prevent the introduction of passengers who are aliens into the port of Savannah, during the months of July, August, September, and October.

And the bill of senate to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county, with an amendment by way of substitute.

To which they desire concurrence.

And he withdrew.

Ordered, that said message lie on the table.

The senate adjourned until to-morrow morning, 9 o'clock.

*FRIDAY, 12th Dec. 1823.*

On motion of mr. Berrien,

The senate reconsidered so much of the Journal of yesterday as relates to the passage of a bill to be entitled an act to amend an act entitled an act to prevent fraudulent deeds of conveyance, passed March 7th 1755, and an act to prevent fraudulent mortgages and conveyances and for making valid any defect in the form and manner of making thereof, with certain restrictions, passed December 24, 1768, so far as to define the places for recording mortgages and other instruments therein named and the manner of attesting such writings.

Mr. Maxwell called up the resolution appointing Saturday the 20th inst. for the legislature to adjourn sine die.

Which was read and agreed to.

The senate took up the resolution appointing Saturday next for the election of principal keeper of the penitentiary, a major-general of the seventh division, a brigadier of the second brigade of the seventh division, a brigadier of the second brigade of the fifth division, a brigadier of the third brigade of the sixth division of the Georgia militia, six directors for the State bank, five for the Darien bank, and two directors for the Planter's bank, all on the part of the state, &



judge of the court of common pleas and of oyer and terminer for the city of Savannah, and three inspectors for the penitentiary—and the following was offered as a substitute and agreed to.

*Resolved*, That both branches of the general assembly will convene in the representatives chamber at 3 o'clock, this evening for the purpose of electing a major-general of the seventh division, a brigadier-general of the third brigade of the sixth division, a brigadier-general of the second brigade of the fifth division, a brigadier-general of the second brigade of the seventh division, a principal keeper and three inspectors of the penitentiary.

*Resolved*, That both branches of the general assembly will convene in the representative chamber on Tuesday next, at 3 o'clock, P. M. for the purpose of electing six directors of the bank of the State, of Georgia, five directors of the bank of Darien, two for the Planters' bank, on the part of this state, and one judge of the court of common pleas and oyer and terminer for the city of Savannah.

The following bills were severally read the second time and ordered for a third reading, to wit :

To alter the time of holding the inferior court in Telfair county.

A bill to be entitled an act to authorise the solicitors general to receive fees in defence of criminals out of their respective circuits.

A bill to be entitled an act to authorise the justices of the Interior court for the county of Gwinnett to convey to the trustees of the Baptist, the Methodist, and the Presbyterian societies, to each a certain quantity of land, for the purposes therein mentioned.

A bill to be entitled an act to change the names of Young G. W. Fickling and Caroline S. Fickling, to Young G. W. Burk and Caroline S. Burk.

A bill to be entitled an act to add a part of the county of Franklin to the county of Madison.

A bill to be entitled an act to vacate the seats of members of the board of trustees of the University of Georgia in certain cases.

The following bills were severally read the second time, and ordered for committee of the whole, viz ;

A bill to be entitled an act to alter and amend an act incorporating the town of St. Marys.

A bill to be entitled an act to separate and divorce Jane Harral and James Harral her husband.

A bill to be entitled an act to incorporate Philomathia academy in the county of Elbert.

A bill to be entitled an act to establish a ferry on Flint river, on fraction No. 229, in the 15th district of Dooly county.

A bill to be entitled an act to carry into effect the sixth section of the 4th article of the constitution.

A bill to be entitled an act to regulate privileges and elections in this state.

A bill to be entitled an act to appoint commissioners and appropriate a sum of money to erect a bridge over the lagoons at the Alata-maha river.

A bill to be entitled an act to repeal a part of the 20th section of the militia law and to amend the same.

A bill to be entitled an act to amend and explain an act to vest the appointment of commissioners and academies, vendue masters, notaries public and lumber measurers in certain persons therein mentioned, passed the 18th December, 1816.

A bill to be entitled an act for the relief of Isaac Hall, tax collector for the county of Wilkenson, for the year 1821.

A bill to be entitled an act to authorise Daniel Walker to erect a gate at or near his store-house, for the purpose of enabling him to collect toll from persons crossing a bridge built by him across Little river on the road leading from the city of Augusta to the town of Washington.

And a bill to be entitled an act to divorce and separate John Crow and Nancy Crow his wife.

Mr. Blackshear from the committee of the state of the republic made the following Report.

The joint committee to whom was referred document No. 2, accompanying the communication of the late Governor, Report—

That the said document relates, *First*, to the claims of the citizens of Georgia under the treaty of the Indian Springs which have been rejected by the commissioners of the United States, and *Secondly*, to the extinguishment of the Indian title within the limits of Georgia.

The first of these subjects having been made the object of specific reference to another committee, have forborne to make any report relative thereto. In relation to the second they beg leave to recommend that the Governor be requested to continue the exertions of that department for the attainment of an object so interesting to the prosperity of Georgia, and therefore recommend the following resolution.

*Resolved*, That his excellency the Governor be and he is hereby requested to use his exertions to obtain from the United States the extinguishment of the Indian title, to the remainder of the territory within the limits of Georgia, in terms of the fourth article of agreement and cession between the United States and this state.

Which was read and agreed to.

Mr. Blackshear from the same committee reported the following bill.

A bill to be entitled an act to alter and amend the third and seventh sections of the first article of the constitution of the state of Georgia—which was read the first time.

The committee to whom was submitted the communication of his excellency the Governor relative to the situation of books and papers in the executive office, beg leave to offer the following Report.

That they repaired to the executive office and find the books stored away on shelves and in trunks, almost without regard to order, and the papers disposed in chronological order, each bundle usually con-

taining the papers on business, or in a month. These are labeled with the date of the month and year. Your committee find this to be the only guide and assistance to the enquirer after the most important papers, and are well aware the search must in many cases be unavailing unless there is some tolerable recollection of the time at which the transactions occurred. This cannot be expected, and more particularly in all cases where calls are made on the executive for papers and information by the different branches of the legislature. In the early period of our government, the plan adopted in the office no doubt answered every purpose, and to papers and books an easy recurrence might be had; but since the business of that department has become so voluminous, and is every day becoming more so, it will soon be impracticable to furnish information which will be full and explicit whenever it may be required.

Your committee therefore recommend the following resolution.

*Resolved*, That his excellency the Governor be and he is hereby authorised to employ some fit and proper person or persons to make a classification according to the subject matter, and an alphabetical arrangement of all the books and papers in the executive office, and that he allow them a reasonable compensation for their services to be paid out of the contingent fund.

Which was read and agreed to.

Mr. Berrien from the joint committee on the state of the republic made the following Report :

The committee on the state of the republic, to whom was referred the resolution of the house of representatives relatively to the claims of the citizens of Georgia, under the treaty made at the Indian Springs, on the 8th of January, 1821, and the petition of David Glenn one of the claimants, Report—

That they have examined the subject presented to their consideration by these references, with all the care and attention demanded by its importance, and have concurred in the belief that the only efficient mode of obtaining the object in view, will be by an address from the legislature of Georgia to the President of the United States.

They have accordingly prepared, and herewith submit the following memorial ;

*To the President of the United States of America.*

The memorial and remonstrance of the senate and house of representatives of the state of Georgia, in general assembly met, respectfully sheweth—

That the attention of your memorialists has been drawn to the construction given to the treaty, entered into between the United States and the Creek Indians, at the Indian Springs, in the year 1821, so far as the same relates to the claims of the citizens of Georgia, and believing that such construction is calculated to prevent the allowance and payment of many of the said claims, which it was the intention

f the parties immediately in interest to provide for, they ask the attention of the President of the United States to the reasons which have influenced to this belief.

These memorialists would respectfully submit, that it was not the intention of the contracting parties, to confer on the President of the United States the right to exclude any of the claims of the citizens of Georgia as a class, except those occurring after the act of Congress of the year 1802. To them it seems, that the obvious intention of these parties was, to invest him with authority to examine and decide each individual claim with reference to the proof adduced in support of it. The controversy between the commissioners of Georgia, and the chiefs, warriors, and head men of the Creek nation, regarded the proof of the claims, a list of which was exhibited, and not the question whether those claims, if proved, should be allowed.—This inference, as the memorialists believe, may be deduced from the terms of the articles of agreement, as well as from a consideration of the relative character of that reference. But it will prevent repetition, and present a condensed view of the subject, to consider it with reference to the rule of decision complained of.

That rule excludes “all claims originating in the depredations committed (by the Indians on the citizens of Georgia,) in a period of hostilities, or previous thereto, if not provided for in the treaty, which followed such hostilities.” It purports to be founded on the principle adopted among civilized nations, that a treaty merges all pre-existing claims, and that those not provided for, are consequently annulled.—In its application to the case under consideration, it has the effect of excluding all claims previous to the treaty of New York, (1790,) except for slaves: and all claims originating subsequently thereto and prior to the treaty of Colerain, (1796,) except for the property provided to be given up by that treaty. It is respectfully contended that this rule is inapplicable to the claims of the citizens of Georgia on any just principle of analogy—that it is forbidden by the terms of the agreement entered into at the Indian Springs, and the relinquishment consequent thereto, and is repelled by the circumstances attending that negotiation.

No just principle of analogy, it is conceived, will authorise the application of the rules which govern treaties between independent and civilized nations, to the negotiations terminating in compact, between the United States, or the state of Georgia, and the Indians, residing within the territorial limits of the latter. If, on the one hand, it be admitted that these Indians are to a certain degree independent, and that their independence is recognized by the act of treating with them, it seems clear, on the other, that this independence has its bounds.—They are locally resident within the territorial limits of Georgia; and it is difficult to conceive the idea of a nation absolutely independent, and yet resident within the limits of another independent state. The question may be tested thus—Absolute independence bespeaks uncontrolled sovereignty; and includes the idea of the right of alienating the national domain, at the will of the nation, and to a purchaser of its choice. Could the state of Georgia—would the United States

submit to the uncontrolled exercise of this right—to its exercise in favor of any foreign nation, by any nation of Indians dwelling within their territorial limits? If this question be, as it is believed it must be, answered in the negative, it seems vain to contend, that the Creek Indians, constitute an independent nation, since the concession strips them of one of the attributes of independence.

But if independent, they are uncivilized, and would, from this consideration, have a just claim to be relieved from rules adopted by civilized nations in the construction of treaties, if those rules were injurious to them in their operation. They cannot, therefore, demand the benefit of them, to set up an implied exemption, contravening the otherwise plain import of their express stipulations. An Indian treaty is, it is conceived, an instrument which is to be construed according to its literal import, or at most, according to its meaning and intent, as these may be collected from the instrument itself, the circumstances attendant on its execution and the character of its framers; but it cannot it is believed, be properly subjected to the artificial, technical rules, which prevail between civilized nations—rules, the existence of which, was unknown to the savage negotiator, by which he would not have consented that his nation should be bound, and of which he has therefore no just claim to demand the benefit.

If it could be conceded that the principle contended for, was generally applicable to treaties with the Indian tribes, even then, in the view of these memorialists, it would be insufficient to support the rule complained of. At most it is an *implied* release, and may be controlled by an *opposite* and *stronger* implication, and still more by subsequent *express* stipulation. If the several treaties, from that of New York to that of Colerain, operated in terms of the rule, to annul all claims not provided for by them, so as to exclude them by implication from the treaty of the Indian Springs, those treaties, operating also by force of their own terms, to protect the claims by which they are provided for, these were consequently no longer a subject of negotiation, except as to the mode of payment. The negotiations of the commissioners of Georgia, and of the chiefs, warriors, and head men of the Creek nation, were then on that occasion limited to the claims arising posterior to the treaty of Colerain, and prior to the act of Congress of eighteen hundred and two, a period short of six years, the claims during which amounted, according to the list exhibited in the course of the negotiation, and surrendered at its close, to a sum less than seventeen thousand dollars. Can it be believed that such was the view of the negotiators on either side?

Independently of the intrinsic evidence, the agreement furnishes the answer. The reference is not of claims provided, or unprovided for by this or that treaty, but of "*all claims of whatever nature.*" If the benefit of the implied release contended for, in behalf of the Indians, be conceded to them, here then is a waiver of it—a new assumption of their obligation—a reference to the President to liquidate its amount, by deciding on the equity and justice of each individual claim, on an examination of the evidence adduced to support it.

But the rule in question is extended to exclude claims to compensation for *property destroyed*, and a verbal criticism has been resorted to by the United States' commissioners, as a fit mode of interpreting the terms of an agreement entered into by a savage tribe. It is urged still confining the claimants to the treaties anterior to that of the Indian Springs, on which last they exclusively rely,) that a stipulation to *restore*, cannot be applied to that, which has been *destroyed* and *does not exist*. The argument in the view of the memorialists, is entitled to a grave consideration, because of the source from which it emanates. As between individuals, an agreement to deliver or to restore a specified article, impliedly includes the alternative of accounting for its value, or of making compensation in damages, if the express obligation be not fulfilled. What should exempt a nation from the operation of this rule? If Great Britain had stipulated to restore (instead of making compensation for) the negroes plundered on our sea board during the late war, would her incapacity to make specific restoration of those who had escaped from her possession, or been removed by death, have absolved her from the obligation to restore their value? Did she not in fact agree to make restoration in value, without regard to these considerations? But an instance more immediately appropriate to the subject may be drawn from the treaty of Augusta. The Indians thereby stipulate that "*all negroes, horses, cattle, or other property, taken during the late war, shall be restored.*"—The obligation applies to *all negroes, &c. &c. taken during the war*, and would not be released by the incapacity of the contracting party to restore them *specifically*. Upon proof that they had been *so taken*, the right of the citizen of Georgia, would, it is apprehended, be complete either to specific restoration, or to restoration in value. But, dismissing the consideration of this verbal argument it may be, and it is respectfully enquired, if there is not something in the distinctive characters of civilized and of savage warfare, which strengthens, in the latter case, the claim to compensation for property destroyed. In wars between civilized nations, the destruction of property is used only as a means to an end in the exercise of force for the attainment of the object of the war. The savage, on the other hand, wars for plunder—destroying what he cannot remove. Is it meet that we should encourage this predatory warfare, by extending to it the protective regulations of civilized strife?

But the claim to property destroyed in the case under consideration, is derived from the agreement, the treaty, and the deed of relinquishment, all executed at the Indian Springs. The agreement refers to the decision of the President, *all claims of whatever nature or kind*. The treaty stipulates that the commissioners of Georgia, shall relinquish all claims "*for property taken or destroyed*" prior to the act of 1802. A list of claims was exhibited at the Indian Springs, including those for property destroyed, and property unprovided for, by either of the preceding treaties, *on which* the commissioners of Georgia were required to execute, and did in fact execute, the relinquishment stipulated for by the treaty at the Indian Springs. Why, it may be asked, were the terms of the reference so large, if its objects were limited? Why were the commissioners of Georgia required to

relinquish that to which the citizens of Georgia had no claim—to release the Indians from claims from which they were already absolved according to the rule contended for, by force of preceding treaties?

The argument for which we contend, is further supported by a reference to the circumstances attending the negotiation at the Indian Springs. The claims of the citizens of Georgia had been registered under the laws of the state. A list prepared by authority of its executive was furnished to the commissioners of Georgia—was exhibited by them, as a particular of their demand, and was surrendered, as an evidence of what was released to the Indian chiefs at the close of the negotiation. It amounted to a sum which may be stated in round numbers at two hundred and eighty thousand dollars. For its payment, the Indians provided a fund of two hundred and fifty thousand dollars in the hands of the United States. Now the application of the rule contended for—that which excludes claims for property destroyed, and property not provided for by previous treaties, would at once have annihilated one half of this claim. The fact will be obvious on a very slight inspection of the list, and must have been manifest to the Indian negotiators. Is it conceivable, if they had intended to rely on this rule, as a bar to the claims which it would control, that they would not have ascertained its effect, by applying it to the list of claims exhibited, and have denied their liability for those which it covered;—or having ascertained its effect, and that it would reduce the claims of our citizens to a sum not exceeding one hundred and fifty thousand dollars, that they would have left in the hands of the United States a fund of two hundred and fifty thousand dollars, to be applied to this object, without any stipulation for the payment over to themselves, of the large surplus which must inevitably remain?

These reflections seem unanswerably to repel the idea, that it was the intention of the contracting parties to exclude the claims under consideration, and it is deemed unnecessary to shew that the President of the United States ought not to apply, since it is not believed he is disposed to apply to the contract of those parties, a rule of interpretation which could not have entered into the views of either of them in framing it.

It remains only to add that the agreement to refer to the President of the United States, the immediate representative of the party bound by the terms of the treaty, to pay what should be awarded, the decision of the question, how much should be paid, was made in the fulness of the confidence which the people of Georgia have ever felt, and still feel, in the present chief magistrate of the Union. In the same spirit and with the most entire confidence in the justice of the individual to whom this appeal is made, a review of that decision is now solicited. It is believed by the memorialists, that the claims of the citizens of Georgia which were exhibited by her commissioners at the treaty of the Indian Springs, whether provided, or unprovided for, by previous treaties, are protected by that treaty; and on proof of them individually, that they are entitled to allowance and payment out of the unappropriated fund, in the hands of the United States:—and it respectfully requested that the decision of this question may be re-

ferred to the commissioners of the United States and of Georgia who negotiated that treaty, or that such other mode may be adopted as, in the view of the President, shall be consistent with the just rights of the claimants.

Which was read and agreed to.

The committee appointed to superintend the funeral of the late William Robertson, Esq. heretofore secretary of the senate, under a resolution of this house, Report—

That they have collected the several accounts for expenses relatively to the same and find them as follows :

To Mrs. Betton, for board,	-	-	\$21 00
“ “ for making shroud, &c, and nursing,			20 00
To Mr. Marlow, for coffin and trimmings,	-	-	30 00
“ “ for digging the grave,	-	-	3 00
To Mr. Shaw, for sundries furnished,	-	-	14 00
Amounting to the sum of	-	-	<u>\$88 00</u>

Which with the vouchers are herewith submitted.

Your committee therefore recommend the following resolution.

*Resolved*, That his excellency the Governor be requested to cause the aforesaid sums to be paid to the parties entitled to them, as above; out of the contingent fund.

Which was read and agreed to.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have passed the following bills, to wit:

A bill to be entitled an act to amend an act entitled an act to establish a ferry across the Ocmulgee river at the west end of Liberty street, in the town of Hartford, Pulaski county, and to vest the same in the Inferior court of said county, for county purposes.

A bill to be entitled an act to alter and amend an act entitled an act to amend an act entitled an act to alter and amend an act to empower the justices of the Inferior courts of the several counties within the state, to order the laying out the public roads, and to order the building and keeping in repair the public bridges, so far as relates to the counties of Chatham, Liberty, Bryan, McIntosh Glynn and Camden, passed Dec. 10th 1803.

A bill to be entitled an act to authorise the justices of the Inferior court of Richmond county to lay an extra tax on the citizens of said county to raise a fund for the support of the Augusta free school academy.

A bill to be entitled an act to authorise the jailer of McIntosh county to refuse to receive prisoners from other counties in certain cases.

A bill to be entitled an act to amend an act entitled an act to incorporate the Washington turnpike company.



A bill to vest certain fines in the judges of the Inferior court of Chatham county.

A bill to divorce and separate Robert Chandler and Jane his wife.

A bill to be entitled an act to alter and amend an act passed 25th December, 1821, so far as to reduce the price of ferriage across the river Ocmulgee at Macon.

A bill to be entitled an act to establish a turnpike across Buffalo swamp at a place called Cain's bridge.

A bill to be entitled an act to alter and amend the first section of an act entitled an act to regulate the rates of tavern licences in this state, passed 15th December, 1809.

A bill to establish an office for recording births in the respective counties of this state.

A bill to be entitled an act concerning bills of exchange.

And a bill to be entitled an act to appropriate a part of the proceeds of the public property in the town of Macon county of Bibb for the purpose of building a court house and jail for said county.

The house have agreed to the amendments of senate to the resolution relative to certain elections therein expressed.

And he withdrew.

Mr. Gamble from the committee appointed, reported,

A bill to be entitled an act to sell and dispose of so much of the banks of the Ocmulgee river at and opposite Bridge street at the town of Macon Bibb county, as may be necessary to erect a bridge across said river, which was read the first time.

Mr. Lockheart of Bulloch, had leave to introduce, instantler, a bill to be entitled an act to authorise Littleberry Richardson to establish a ferry on Flint river on his own land, in the 15th district of Dooly county on fraction No. 248, which was read the first time.

The senate took up the messages from the house of representatives and the several bills therein contained were read the first time,

The senate took up the amendments made by the house of representatives to the bill of senate to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county, which was read—and,

On motion of mr. Mangham,

*Resolved*, That the senate disagree to said amendments and adhere to the original bill.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to compel citizens in the different counties in this state, as well as citizens of other states, who do or hereafter may own slaves residing in the county of Jefferson, to make a return of and pay tax on all such slaves as aforesaid to the receiver of returns and collector of taxes for the aforesaid county of Jefferson, by themselves, or their attorney, agents, trustees or guardians, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported they had disagreed thereto.

The senate took up the report, which was agreed to.

The senate resolved itself into committee of the whole, on the bill to be entitled an act more effectually to protect the interests of parties plaintiffs in suits against joint, or joint and several obligors and promisors, mr. Cleveland in the chair.

The president resumed the chair, and mr. Cleveland reported progress and had leave to sit again.

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend an act more effectually to define the duties of the adjutant general, division and brigade inspectors, and to regulate their pay, &c. passed the 23d Dec. 1822, mr. Sellers in chair.

The president resumed the chair, and mr. Sellers reported they had gone through the bill without amendments.

The senate took up the report.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to fix the time of demand upon makers of promissory notes, acceptors of bills of exchange, and notice to the endorsers and drawers thereof, the manner of commencing suits against endorsers, makers, drawers, and acceptors of notes and bills of exchange, and to give the endorsers and drawers of notes and bills of exchange, control of executions in certain cases, mr. Baker in the chair.

The president resumed the chair, and mr. Baker reported that they had disagreed to the bill.

The senate took up the report—

And on the question to agree to the report, it was determined in the affirmative.

And the yeas and nays being required are—yeas 36, nays 16.

Those in the affirmative are,

Messrs.

Allen of Burke	Crawford	Miller
Beall	Garrison	Montgomery of Jackson
Blackshear	Glenn	Philips of Jones
Blackstone	Groves	Philips of Walton
Berrien	Jones of Newton	Sellers
Bonner	Joice	Strawn
Brown of Camden	Lockheart of Bulloch	Swilley
Brown of Hancock	Mangham	Tippins
Burney	Mann	Walker
Cleveland	Maxwell	Worthy
Cohee	McKinne	Wilborn
Cook	McCrimmon	Wooten

Those in the negative are,

Messrs.

Allen of Elbert	Holt	Powers
Baker	Jones of Baldwin	Robinson
Barnett	Lamkin	Sterling
Bullock	Lockheart of Warren	Watson
Gamble	Powell	Wimberly
Harper		

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend an act to render easy the mode of conveying lands, and for making valid all deeds of conveyances heretofore, that may be deficient in point of form, passed the 22d February, 1785, mr. Crawford in the chair.

The president resumed the chair, and mr. Crawford reported they had gone through the bill with amendments.

Ordered that the report lie on the table.

Mr. Brown of Camden, from the committee of enrollment, reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, viz :

An act to make permanent the site of the public buildings in Rabun county, and to name and incorporate the same.

An act to incorporate the Madison county academy, and to appoint trustees for the same.

An act to repeal so much of the several sections of an act entitled an act to organize the counties of Early, Irwin, and Appling, as relates to the justices of the Inferior court of Irwin county to be commissioners of the court-house and jail of said county, and to appoint the persons hereinafter named commissioners of said court-house and jail.

An act to authorise James Richardson of Walton county, to establish a toll bridge over the Apalachie river near his mills.

An act to provide for the payment of expenses on trials for escapes from the penitentiary.

An act for the relief of the heirs and representatives of Thomas Davis, dec'd.

Ordered, That the committee of enrollment do carry said acts to his excellency the Governor for his revision.

The senate adjourned until this evening, 3 o'clock.

*Three o'clock, P. M.*

The senate met pursuant to adjournment.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

I am directed to inform the senate that the house of representatives are now ready to receive them in the representative chamber, for the purpose of proceeding by joint ballot to the election of a major-general of the 7th division of Georgia militia, a brigadier general of the 3rd brigade of the 6th division, a brigadier general of the 2d brigade of the 5th division, a brigadier general of the 2d brigade of the 7th division of Georgia militia, a principal keeper and three inspectors of the penitentiary of this state, agreeably to a concurred resolution.

And he withdrew.

Whereupon the senate repaired to the chamber of the house of representatives, and being seated, both branches of the general assembly proceeded by joint ballot to the election of a major general of the 7th division of Georgia militia.

And on counting out the ballots, it appeared that Andrew Miller, Esq. was duly elected major-general of the 7th division of the militia of this state.

They proceeded in like manner to the election of a brigadier general of the 3d brigade of the 6th division.

And on counting out the votes, it appeared that Charles J. McDonald, Esq. was duly elected.

They proceeded in like manner to the election of a brigadier-general of the 2d brigade of the 5th division.

And on counting out the votes, it appeared that Alexander Ware, Esq. was duly elected.

They proceeded in like manner to the election of a brigadier-general of the 2d brigade of the 7th division.

And on counting out the votes, it appeared that Walter T. Colquet, Esq. was duly elected.

They proceeded in like manner to the election of principal keeper of the penitentiary.

And on counting out the votes, it appeared that general Daniel Newnan was duly elected.

They also proceeded in like manner to the election of three inspectors of the penitentiary.

And on counting out the votes, it appeared that Edward Carey, John Bozeman, and William Green, Esq. were duly elected.

The senate returned to their chamber and adjourned until to-morrow morning 10 o'clock.

*SATURDAY, 13th Dec. 1823,*

On motion of Mr. Montgomery, of Jackson,

The senate took up the report of the committee of the whole on the bill to be entitled an act to distribute the bank dividends and other net proceeds of the poor school fund, among the different counties in this state.

Which was read, amended and agreed to.

And the bill read the third time and passed.

On motion,

The honourable member from Irvin, had leave of absence for this day.

The following bills were severally read the second time, and ordered for a third reading, viz :

A bill to be entitled an act to amend an act entitled an act to alter and amend an act to empower the justices of the Inferior courts of the several counties within this state to order the laying out the public roads and to order the building and keeping in repair the public bridges, so far as relates to the counties of Chatham, Bryan, McIntosh, Glynn, and Camden, passed Dec. 10, 1803.

A bill to be entitled an act to make cases returned at the last Superior court in the county of Elbert, stand for trial at the next Superior court.

A bill to be entitled an act to authorise Littlebury Richardson to establish a ferry on Flint river, on his own land in the 15th district of Dooley county, on fraction No. 248.

A bill to be entitled an act to relieve the inhabitants on the South and North side of the Great Satilla, and the inhabitants on the North side of Crooked river, from working on the main post road or performing duty thereon for the term of one year, and appoint commissioners to compel the inhabitants to do duty on the roads herein mentioned.

A bill to be entitled an act to authorise the Inferior court of the county of Baldwin to levy an extra tax for county purposes.

A bill to be entitled an act to authorise the jailor of McIntosh county to refuse to receive prisoners from other counties in certain cases.

A bill to be entitled an act to alter and amend an act passed 25th Dec. 1820, so far as to reduce the price of ferriage across the Ocmulgee river at Macon.

A bill to be entitled an act to amend an act entitled an act to establish a ferry across the Ocmulgee river at the west end of Liberty street in the town of Hartford, Palaski county, and to vest the same in the Inferior court of said county for county purposes.

The following bills were severally read the second time, and ordered for committee of the whole, viz :

A bill to be entitled an act to alter and amend the 1st, and repeal the 2d section of an act entitled an act to regulate the rates of tavern license in this state passed the 15th Dec. 1809.

A bill to be entitled an act to establish an office for recording births in the respective counties of this state.

A bill to be entitled an act to vest certain fines in the judges of the inferior court of Chatham county.

A bill to be entitled an act to amend an act entitled an act to incorporate the Washington turnpike company.

A bill to be entitled an act to separate and divorce Robert Chandler and Jane his wife.

A bill to be entitled an act concerning bills of exchange.

A bill to be entitled an act to alter and amend an act passed the 22d Dec. 1819, entitled an act to prevent the introduction of passengers who are aliens into the port of Savannah during the months of July, August, September, and October.

A bill to be entitled an act to sell and dispose of so much of the lands of the Ocmulgee river, at and opposite Bridge street at the town of Macon, Bibb county, as may be necessary to erect a bridge across the said river.

A bill to be entitled an act to authorise the justices of the Inferior court of Richmond county to lay an extra tax on the citizens of said county, to raise a fund for the support of the Augusta free school academy.

A bill to be entitled an act to ratify the proposed convention between the States of South Carolina and Georgia, relative to the Savannah and Tugalo rivers.

A bill to be entitled an act to appropriate a part of the proceeds of the public property in the town of Macon, county of Bibb, for the purpose of building a court house and jail for said county.

A bill to be entitled an act for the relief of honest debtors.

A bill to be entitled an act for the relief of that portion of the inhabitants of Richmond county, who reside or own property within three miles of the city of Augusta, and without the corporate limits of said city.

The bill to be entitled an act to alter and amend the 3rd and 7th sections of the 1st article of the constitution of the state of Georgia, was read and committed until June next.

A bill to be entitled an act to establish a turnpike across Buffaloe swamp at a place called Cain's bridge—and,

A bill to be entitled an act to amend the 7th section of an act entitled an act to revise and amend the judiciary system of this state, passed 16th February, 1799, and to provide for the opening of the several courts of ordinary in this state in certain cases.

The following bills were severally read the third time and passed :

A bill to be entitled act to change the time of holding the Inferior courts in the county of Telfair.

A bill to be entitled an act to change the names of certain persons herein named.

A bill to be entitled an act to add a part of the county of Franklin to the county of Madison.

A bill to be entitled an act to authorise the justices of the Inferior court of the county of Gwinnett to convey to the trustees of the Baptist, the Methodist, and the Presbyterian societies, to each a certain quantity of ground for the purposes therein mentioned.

A bill to be entitled an act to vacate the seat of members of the board of trustees of the University of Georgia in certain cases.

The bill to authorise the solicitors general to receive fees in defence of criminals out of their respective counties—was read the third time.

And on the question 'shall this bill now pass?' it was determined in the negative.

The senate resolved itself into committee of the whole on the bill to be entitled an act to incorporate Philomathia academy in the county of Elbert. Mr. Wooten in the chair.

The president resumed the chair, and Mr. Wooten reported the bill with an amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed under the title of

A bill to be entitled an act to incorporate Philomathia academy in the county of Elbert, and to appoint commissioners of the Elbert county academy, and to define their duties and powers, and to incorporate the same.

The senate resolved itself into committee of the whole on the bill to be entitled an act to separate and divorce Jane Harrell and James Harrell, her husband, Mr. Bonner in the chair.

The president resumed the chair, and Mr. Bonner reported they had gone through the bill without amendments.

The senate took up the report which was agreed to.

And on the question "Shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required are—yeas 35, nays 14.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Newton	Robinson
Baker	Lockin	Stirling
Bonner	Lockheart of Bulloch	Strawn
Brown of Camden	Margham	Swain
Brown of Hancock	Mann	Sadley
Bullock	McKinne	Tippins
Burney	McCrinmon	Walker
Coffee	Montgomery of DeKalb	Watson
Gamble	Phillips of Jones	Wilborn
Groves	Phillips of Walton	Wimberly
Harper	Portell	Wooten
Jones of Baldwin	Powers	

Those in the negative are,  
Messrs.

Allen of Burke	Cook	Miller
Blackshear	Crawford	Montgomery of Jackson
Blackstone	Garrison	Sellers
Brien	Lockheart of Warren	Worthy
Cleveland	Maxwell	

The senate resolved itself into committee of the whole, on the bill to be entitled an act to divorce and separate John Crow and Nancy wife, mr. Blackstone in the chair.

The president resumed the chair, and mr. Blackstone reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And on the question, "shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required are—yeas 34, nays 14.

Those in the affirmative are,  
Messrs.

Allen of Elbert	Jones of Newton	Robinson
Ball	Lankin	Sterling
Baker	Lockheart of Bulloch	Strawn
Brown of Camden	Mangham	Swain
Brown of Hancock	Manly	Swilley
Black	McKinne	Tippins
Brenney	McGrimmon	Walker
Bree	Montgomery of DeKalb	Watson
Camble	Philips of Jones	Wilbern
Caves	Powell	Wimberly
Casper	Powers	Wooten
Coles of Baldwin		

Those in the negative are  
Messrs.

Allen of Burke	Cook	Miller
Blackshear	Crawford	Montgomery of Jackson
Blackstone	Garrison	Sellers
Brien	Lockheart of Warren	Worthy
Cleveland	Maxwell	

The senate resolved itself into committee of the whole on the bill to be entitled an act to divorce and separate Levina Cheek and William her husband, mr. Allen of Elbert in the chair.

The president resumed the chair, and mr. Allen reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And on the question "Shall this bill now pass?" it was determined in the affirmative.



And the yeas and nays being required are—yeas 36, nays 14.

Those in the affirmative are,

Messrs.

Allen of Elbert	Holt	Powell
Baker	Jones of Baldwin	Powers
Beall	Jones of Newton	Robinson
Bonner	Lamkin	Sterling
Brown of Camden	Lockheart of Bulloch	Strawn
Brown of Hancock	Manguam	Swain
Bullock	Mann	Swilley
Barney	McKinn	Tippins
Coffee	McCrimmon	Walker
Gamble	Montgomery of DeKalb	Watson
Groves	Phillips of Jones	Wimberly
Harper	Phillips of Walton	Wooten

Those in the negative, are

Messrs.

Allen of Burke	Crawford	Miller
Blackstone	Garrison	Montgomery of Jackson
Berrien	Lockheart of Warren	Worthy
Cook	Maxwell	

The senate resolved itself into committee of the whole, on the bill to be entitled an act to separate and divorce Sarah Heard and Stephen G. Heard her husband, Mr. Mann in the chair.

The president resumed the chair, and Mr. Mann reported they had gone through the bill without amendments.

The senate took up the report which was agreed to.

And on the question "Shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required, are—yeas 37, nays 14.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Baldwin	Powers
Baker	Jones of Newton	Robinson
Beall	Lamkin	Sterling
Bonner	Lockheart of Bulloch	Strawn
Brown of Camden	Manguam	Swain
Brown of Hancock	Mann	Swilley
Bullock	McKinn	Tippins
Barney	McCrimmon	Walker
Coffee	Montgomery of DeKalb	Watson
Gamble	Phillips of Jones	Worthy
Groves	Phillips of Walton	Wimberly
Harper	Powell	Wooten
Holt		

Those in the negative are

Messrs.

Allen of Burke

Barnett

Blackstone

Cleveland

Cook

Crawford

Garrison

Glenn

Lockheart of Warren

Miller

Montgomery of Jackson

The senate resolved itself into committee of the whole on the bill to be entitled an act to authorise Daniel Walker to erect a gate at or near his store house, for the purpose of enabling him to collect toll from persons crossing a bridge built by him across Little river on the road leading from the city of Augusta to the town of Washington, Mr. Lamkin in the chair.

The president resumed the chair, and Mr. Lamkin reported the bill with an amendment.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to repeal a part of the 20th section of the militia laws of this state, and to amend the same, Mr. Swilley in the chair.

The President resumed the chair, and Mr. Swilley reported they had gone through the bill with an amendment.

The senate took up, and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to establish a ferry on Flint river on fraction 229, in the 15th district of Dooly county, Mr. McCrimmon in the chair.

The president resumed the chair, and Mr. McCrimmon reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to regulate privileges and elections in this state, Mr. Lockheart of Warren in the chair.

The president resumed the chair and Mr. Lockheart reported they had gone through the bill with an amendment.

Ordered, That the report lie on the table the balance of the session.

The senate resolved itself into committee of the whole, on the bill to be entitled an act for the relief of Isaac Hall, tax-collector for the county of Wilkinson for the year 1821, Mr. Watson in the chair.

The president resumed the chair, and Mr. Watson reported they had gone through the bill with an amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed under the title of

An act for the relief of Isaac Hall, tax-collector of the county of Wilkinson for the year, 1821, and for the relief of Joseph Durrence, tax-collector for the county of Tatnall for the same year.

On motion,

The honourable member from the county of Wilkinson had leave of absence until Tuesday next.

On motion,

The honourable member from the county of Early had leave of absence until Wednesday next.

On motion,

The honourable member from the county of Bibb was added to the committee on finance.

A message from his excellency the Governor, by his secretary mr. Wood.

*Mr. President,*

His excellency the governor has assented to and signed the following acts, to wit:

An act to make permanent the-site of the public buildings in Rabun county, and to name and incorporate the same.

An act to incorporate the Madison county academy and appoint trustees for the same.

Ordered, That the committee of enrollment carry said acts to the secretary of state's office and see the great seal of the state affixed thereto.

The senate adjourned until Monday morning, 10 o'clock.

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*MONDAY, 15th Dec. 1828.*

On motion of mr. Swain,

The senate took up the resolution authorising the justices who may preside at the next general election to ascertain the wish of the people whether or not the penitentiary shall be abolished, which was read.

And on motion to lay the resolution on the table the balance of the session, it was determined in the affirmative.

On motion,

The honourable member from the county of Glynn had leave of absence after to day, for the balance of the session.

On motion of mr. Gamble,

*Resolved,* That William Towns, Merrill Collier, Samuel Prewit, James Hicks and J. M. C. Montgomery be and they are hereby appointed trustees of the academy of DeKalb county.

On motion,

The honourable member from the county of Emanuel has leave of absence after Saturday next, for the balance of the session.

Mr. Allen of Elbert from the joint committee of agriculture and internal improvement, made the following Report :

The joint committee on agriculture and internal improvement to whom was referred the communication of his excellency with the accompanying documents on the subject of an act to authorise the opening a road from Alapaha to the Florida line, have had the same under consideration, and Report—

That it appears from the documents submitted that the act aforesaid was approved of the 23d of December last, and that on the next day an executive order was passed appointing General John Coffee and Thomas S. Swain, Esqrs. of the county of Ichetaw, to superintend the opening of said road, and that on the same day General Coffee received fifteen hundred dollars, the amount appropriated to that object;—no instructions whatever appear to have been given relative to the work, or manner of performing it—no contract seems to have been entered into, nor any requisition that such should have been done—no bond was taken for the faithful performance of duty by the superintendents either in the performance of the work or disbursement and accountability for the money advanced them. It appears by the letter of General Coffee to the executive, dated on the 26th ult. that the work was commenced in August last, and completed on the 15th November—that the distance is nearly 90 miles, with the addition of seven miles to reach a good crossing place on the Alapaha river. It is further stated that to complete the work many difficulties were encountered, several small bridges were erected, and one of some importance over the Oropitis river, and four ferry flats built.

No account of expenditures has as yet been submitted, but the reason is sufficiently apparent, that Gen. Coffee states substantially, that his accounts are not yet adjusted, and it would appear to your committee that they could not as yet be adjusted, since the work was only completed on the 15th ult.

The road is represented to be one of much importance to the people of that section of the country, and the appropriation with a view to effect the object in the best mode that the amount of money would authorise—Your committee recommend the following resolutions :

*Resolved*, That in the opinion of this committee the *undertaker* of said road should have been required to give bond and security for the faithful performance of the work on said road, before the money appropriated for said work, was drawn from the treasury.

*Resolved*, That his excellency the Governor be and he hereby authorised to appoint, not exceeding two, fit and proper persons to inspect the said road, and to report to him previous to the sitting of the next legislature, the number of water courses the road passes over, their size, the number of bridges built, the reasonable cost of these bridges, the ferry boats, size and costs, the manner in which the

road has been cut and constructed, together with such other information as they may be able to communicate relative to the same, and to make an estimate of the cost of the work now done upon the road; and that he pay the persons so appointed by him out of any money in the treasury not otherwise appropriated, on the receipt of their report, a sum not exceeding three dollars each per day, and for not more than ten days service.

Which was read and ordered to lie on the table.

The joint committee on agriculture and internal improvement having taken into consideration the resolution of senate on the subject of a canal from the Altamaha to Turtle river, Report—

That they are of opinion that the opening of the canal from the Altamaha to Turtle river, is a matter of much importance, and well worthy of the serious attention of the legislature; but the making of an appropriation for that purpose at *this time*, is deemed by your committee to be inexpedient and premature. That whenever the state shall have a correct survey of the country through which such canal might pass made by a skillful artist, your committee would then recommend the attention of the succeeding legislature to the subject.

Which was read and ordered to lie on the table.

Mr. Sterling, from the committee appointed on the petition of sundry citizens of Pike county, reported.

The committee to whom was referred the petition of the citizens of the county of Pike and others, praying for a new county to be laid off from Pike, Crawford and Monroe counties, Report—

That the session is so far advanced they believe it impossible to effect the object prayed for, and therefore recommend the same to be referred to the succeeding legislature.

Which was read and agreed to.

On motion of Mr. Berrien,

The senate took up the report of the joint committee to whom was referred the memorials of the citizens of Darien, Savannah, and Augusta—which was read.

And the resolution to repeal the tonnage duty collected in the river and harbour of Savannah, and to vest the appointment of the health officer of that port in the corporation of the city, and to authorise and require the said corporation to provide for and regulate the fees of harbor master and health officer, with a due regard to the services actually performed by them and each of them, and further to provide for the application of the fund heretofore raised by the river tonnage duty and now unexpended, to the removal and lessening of the obstructions in Savannah river between the city of Savannah and Five Fathom, and to repeal the law laying a tax on commission sales—was read and agreed to.

The resolution to obtain the voluntary surrender of the chartered rights of the steam boat company of Georgia, being read, was ordered to lie on the table for the present.

The resolution to provide by law for the establishment of an efficient inspection of cotton, and until this is done, to require that each bale of cotton offered for sale shall be marked in plain letters with the name and place of residence of the owner, was read and agreed to.

*Resolved*, That it is expedient to invest the corporations of the cities of Savannah and Augusta, with power to correct any evils which may arise in the present mode of weighing and storing cotton in their respective cities—was read and agreed to.

The resolution that it is expedient to authorise by law the recovery of five per cent damages on bills of exchange drawn in this state on persons residing in either of our sister states, and returned for non-payment—was read and agreed to.

The further resolutions contained in said report were ordered to lie on the table for the present.

On motion of Mr. Jones of Baldwin,  
*Resolved*, That his excellency the governor be requested to furnish his house with all the papers and information in his possession relative to the contract made by the executive of this state with the steam boat company.

The following communication was received from his excellency the governor, by his secretary, Mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 15th Dec. 1823. }

Herewith communicate the reports of the commissioners of the Conee and Altamaha, on the improvement of the navigation of those rivers.

Signed,

G. M. TROUP.

Which was read, and referred to the committee on agriculture and internal improvement, together with the accompanying documents.

The following written communication was brought from the Governor by his secretary Mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 15th Dec. 1823. }

The repeated remonstrances to the general government, urging the extinguishment of Indian claims to lands within our territorial limits, have only resulted in partial concessions of territory. Notwithstanding the pledged faith of the general government, in the articles of agreement and cession, frequent occasions have been omitted to fulfil our obligations to Georgia—It is mortifying enough to advert to the single one of 1814, when disregarding positive obligations to Georgia, stipulated by compact, the United States suffered a large extent of Indian country to pass into the hands of others to whom she was not

bound by engagements of any kind. The same treaty ought to have extinguished for Georgia the Indian claims to all the lands within her limits—She was not noticed in it. In every subsequent negotiation with the Indians, it would have been as easy to have acquired the whole as part of the territory. The failure is to be sought in the parsimonious appropriations of money on the part of the United States, and the consequent limited instructions to her agents—A wise economy would have dictated the application of abundant means, under favorable auspices, to do at once what she knew sooner or later she would be obliged to do. From the moment the general government entertained a belief that Georgia would be satisfied with small appropriations of money, for the acquisition of small portions of lands, things have been growing worse and worse. The general government itself is daily multiplying obstacles (innocently to be sure,) to the further acquisition, and its practice is so far variant from its theory, which teaches that a concentration of the tribes is one of the most effectual modes of advancing their civilization. Georgia has given to the United States 50,000,000 of acres for \$1,250,000—The United States have gratuitously given to the Yazoo claimants between 4 and \$5,000,000 besides—and when you have added to this the paltry sums she has paid in extinguishment of Indian title within our limits, you will find a net balance in her favor to the amount of \$20,000,000 at least. The words “as soon as may be,” in the articles of agreement and cession, will no longer avail the United States any thing, the operation of these has been long since estopped by time. It was never in contemplation of either of the parties to that agreement, that twenty years should elapse, and that Georgia should find herself in possession of only one half of her reserved territory—Indeed further procrastination, inconsistent as it is with justice to Georgia, can subserve no useful purpose to the United States, or to the Indians themselves.—The latter have discernment enough to perceive that soon, very soon, Georgia must have what is her own. The United States recognise in practice and in theory, the allodality to be in Georgia, the temporary usufruct only in the Indians—Of what value is this right of use within our limits, in the present exhausted state of the game? If the passion of the hunter is to be gratified, send him across the Mississippi—If the mind is to be improved into civilization, limit him to the pursuits of agriculture.

Blending justice with authority, the United States have but to command, and the claims of Georgia will be satisfied. The treaty lately held with the Seminoles is in illustration—The United States had little else to do than to prescribe the limits within which those tribes were to retire.

I recommend to you therefore to address yourselves once more, and for the last time, to the justice of the United States, in language firm but respectful, to demand and insist on, 1st, a liberal appropriation of money to extinguish the Indian claims to all the lands within our territorial limits—2ndly. Commanding instructions to her agents, whoever they may be, that what of right ought to be done, shall be done.

Signed,

G. M. TROUP.

Which was read and referred to the joint committee on the state of the republic.

The senate adjourned until to-morrow morning 9 o'clock.

*TUESDAY, 16th Dec. 1823.*

On motion of mr. Allen of Elbert,

The senate reconsidered so much of the Journal of yesterday as relates to the passage of a resolution to invest the corporations of the cities of Savannah and Augusta with power to correct evils which may exist in the present mode of weighing and storing cotton in their respective cities.

On motion,

The honourable member from the county of Newton had leave of absence until to-morrow.

Mr. Gamble from the joint committee of public education and free schools, made the following Reports :

The committee to whom was referred the memorial of the commissioners of the academies of the counties of Elbert, Jackson, Clark, Jasper, Morgan, Putnam, Laurens, Montgomery, Scriven and Bulloch, report—

That they have taken the said memorial into consideration, and from the evidence furnished by Col. Hugh Montgomery, who has been acting as the agent of the said academies, it appears that in 1810, at a sale of confiscated property, David McCormick, as the agent of the said academies, bid off three tracts of land, and amongst the number, one tract granted to Sir James Wright for one thousand acres, which was represented to lie upon the river St. Mary's and that after diligent search, no such land as that represented in the said grant can be found, that the said land was bid off at the price or sum of three thousand nine hundred and sixty two dollars, but which sum when scaled agreeable to the act of 1808, will reduce the same to the sum of \$495 25 with which sum the said academies now stand charged; that the said commissioners have never yet received titles for the said tract of land, and pray that they may be permitted to surrender the original grant and relinquish their claim to the same, and have a credit for the purchase money with which they now stand charged, which prayer the committee think reasonable and ought to be granted. They therefore recommend the following resolution.



*Resolved*, That upon the commissioners of the said academies surrendering to the secretary of state, the original grant and relinquishing their bid to the state to the same, that the treasurer be and he is hereby instructed to allow them a credit for the purchase money of the said tract of land with which they now stand charged.

Which was read and agreed to.

The committee to whom was referred document No. 4, have had the same under consideration and take leave to recommend the following resolution.

*Resolved*, That each county which shall exhibit satisfactory certificates from the surveyor general's, the executive, the secretary of state's the treasurer's office, or any of them, that they have not received the amount with which they stand charged, shall be entitled to receive their proportion of dividends in common with counties not charged.

Which was read and agreed to.

The committee on free schools and public education to whom was referred the resolution instructing them to inquire of the treasurer upon what evidence the sum of five hundred and four dollars seventy and an half cents, was charged against said county, Report—

That they have performed the duty assigned them and find that the county of Wilkinson has never received any money arising out of the academy funds or other nett proceeds for the use of academies—recommend therefore that the county of Wilkinson be exonerated from the said charge of five hundred and four dollars, seventy and an half cents.

Which was read and agreed to.

Mr. Powell from the joint bank committee made the following Report, to wit;

The joint committee on banks, to whom was referred the Governor's communication accompanied by a letter from the president of the bank of Darien take leave to Report—

That in their opinion it is inexpedient to depart from the charter of the said bank on the subject proposed in said letter of the President of the bank of Darien, and consequently that its requirements ought not to be complied with.

Which was read and agreed to.

Mr. Brown of Hancock from the joint committee on finance, made the following Reports, viz.

The committee on finance beg leave to Report—

That they have performed the duties assigned them so far as they were enabled from documents submitted to their inspection, as well as from information received from the treasurer and comptroller-general. They have made a careful and attentive examination of the Treasury, and find that the warrants drawn on the treasurer, the ex-

tries on his books, his abstract, and the report of the comptroller of the amount of monies received, and warrants paid by the treasurer, during the last political year, perfectly agree. The statement of warrants communicated to the legislature by the executive is found to be arranged under proper heads, it is therefore deemed unnecessary to change the form of that document. The committee wish that the same may be taken as a part of their report. Among these warrants your committee find two which they cannot permit to pass unnoticed; one in favor of James Blair, for one hundred dollars, and the other in favor of Duncan G. Campbell and Samuel Rockwell, Esqrs. for two hundred dollars. The former is expressed to be for services performed by the request of the executive in ascertaining and making a report of the number of persons claiming land under the late treaties between the United States and Cherokee nation, and what they would take for the same. The committee can but be surprised at the payment of this account. We know of no resolution or act of the legislature, authorising the Governor to appoint Mr. Blair to perform the services mentioned; the appointment was made by the executive in the exercise of its discretion, and from a belief no doubt that the result of the enquiries would aid the efforts which were then making to extinguish the title of the reservees to the lands referred to, and your committee are of opinion that a reasonable compensation should have been allowed Col. Blair for his services, but they conceive the charge made by him is unreasonable and exorbitant. This account was communicated to the last session by the Governor, but no provision was made for the payment of it—notwithstanding which the Governor immediately after the close of the session paid it out of the contingent fund. This act of the Governor your committee cannot sanction. The legislature are the guardians of the public treasury, and when accounts are presented to them and they refuse or even neglect to make appropriations to discharge them, it is conceived that even the chief magistrate of the state has no right to settle them out of the contingent, or any fund belonging to the state.

The warrant in favor of messrs. Campbell & Rockwell is expressed to be for services to be rendered in an action brought by Abner Hammond against the late Governor for an act done by him as Governor of the state. From the warrant itself, as well as from information otherwise derived, there is no difficulty in understanding this money to have been paid those gentlemen for professional services in an action of trespass brought by Abner Hammond Esq. against the late Governor, and perhaps others, for ejecting him from his office of secretary of state.—Upon what principle the fees of counsel in the defence of this cause should be defrayed out of the funds of the state, your committee are at a loss to conceive. It was an action in which the state had no interest: Gen. Clark was not sued as Governor of the state, but as an individual, and if he had a right to draw upon the treasury of the state for his counsel fees, with equal propriety and from the same source he might have satisfied the verdict had there been a recovery against him. Your committee are therefore of opinion that this sum was improperly drawn from the treasury.

The committee beg leave further to report—That it appears from the comptrollers report, (which is hereto annexed,) that the taxes as

essed upon the citizens of the several counties in the state amounts to the sum of \$133,242. The committee are unable to ascertain the nett amount of this sum actually paid into your treasury. They have reasons to believe that fifteen percent is a reasonable, and perhaps nearly a correct deduction which ought to be made from the gross amount, for collector's and receiver's commissions, and losses sustained by insolvents, defaulting tax collectors and sheriffs. It appears from the reports of the treasurer and comptroller, that there has been paid into the treasury in the last political year, the following sums exclusive of the general taxes, viz.

Vendue tax,	-	-	-	-	\$3,247 48
Dividends on stock in Augusta Bank,				\$8,000	
Do do State do				10,000	
Do do Darien do				26,000	
Do do Steam-boat company				8,000	52,000 00
For fees on grants and testimonials	-	-	-	-	271 00
Do on reverted lots in B. W. & W.	-	-	-	-	30 00
Do do B. & W. L. C.	-	-	-	-	160 00
Trustees of the University	-	-	-	-	19,495 80
Tax on Bank stock	-	-	-	-	6,476 14
Escheated estates	-	-	-	-	53 75
Fractional surveys reserved by act of 1821	-	-	-	-	36 70
For the rent of property at Fort Hawkins	-	-	-	-	193 84
Fees on grants in the lottery of 1820	-	-	-	-	19,602 00
Fees on grants in the lottery of 1821	-	-	-	-	38,550 00
For lands reserved at Macon	-	-	-	-	3,824 75
For forfeited lands—principal and interest	-	-	-	-	2,634 93
Fractions in Baldwin & Wilkinson, L. C. prin. and int.					889 92½
Do sold under act of 1820—principal and interest					10,080 85½
For the rent of fractions—principal and interest					1,308 27½
From A. G. Saffold solicitor-general—principal and int.					8,101 38
					<hr/>
					\$166,873 77½

The committee further report, that there is now in your treasury, the sum of \$425,775 60½. in Bank notes, specie, and deposits made in the Darien and Planters' banks. It would afford the committee great pleasure to inform the legislature, that the large sum of money in the treasury was subject to your disposition.—The Treasurer's report to this committee, and a reference to the several appropriation acts, is an evidence that cannot be controverted, that the sums of money hereinafter mentioned have been set apart for the purposes therein specified, and cannot be converted to other purposes than those for which they were appropriated.—They must be considered as debts due by the state, and for the redemption of which the faith of the state is pledged. The committee beg leave to call the attention of the legislature to the following appropriations made by former legislatures, viz.

Balance of the proceeds of the fund for the endowment of county academies, after deducting the Governor's warrants, drawn thereon up to the 31st October last—appropriated 21st Dec. 1821,	\$17,042 40
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Proceeds of the poor school fund paid into the treasury up to the above date—appropriated 18th Dec. 1818,	59,086 6 $\frac{1}{2}$
Proceeds of the fund for internal improvement—appropriated 19th Dec. 1817,	57,000 00
Balance of the proceeds of the fund for the redemption of the public debt—appropriated 22d Dec. 1808,	134,444 00
Balance of appropriation to pay for the state shares in the Planters' bank—appropriated 10th Dec. 1812,	20,000 00
Appropriation to pay for state shares in the Darien bank—appropriated 18th Dec. 1819,	175,000 00
Balance of appropriation to Reed & Terrell, for clearing out the Oconee river—appropriated 19th Dec. 1818,	3,000 00
Appropriation for Altamaha river—appropriated 25th Dec. 1822,	5,000 00
	<hr/>
	\$471,073 06
Cash in the treasury and deposited in banks, 31st October, 1823,	425,775 60 $\frac{1}{4}$
	<hr/>
Balance against the state,	\$45,297 45 $\frac{3}{4}$

The committee further recommend that the treasurer be requested to pay out or dispose of 954 French crowns and half crowns at their value in state bills, they having remained in the treasury for many years past.

A STATEMENT OF WARRANTS

Drawn on the Treasurer during the political year eighteen hundred and twenty-three, or between the first Monday in November, 1822, and the first Monday in November, 1823.

Date.	No.	In whose favor drawn.	To what purpose drawn, and to what Fund chargeable
Drawn chargeable to account of Special Appropriation of 1821.			
1822. Dec. 19	2	Trustees of the University.	For the sum of two thousand dollars, the dividend is furnished by the bank stock granted the University being deficient by that sum in making the sum of four thousand dollars, authorised to be paid semi-annually, by an act of the 21st December 1821, the same having been applied for by the President, through the Treasurer of the University. 2,000
1823. June 3	192	Trustees of the University.	For the amount authorised to be paid semi-annually by an act of the legislature of the 21st December, 1821, there having been no dividends declared for the last six months on the bank stock granted to the University. 4,000
			<hr/> \$6,000

*Drawn chargeable to account of Special Appropriation for 1822.*

1822. Nov.	7	J. Thompson Burd	For his pay as an Inspector of the Penitentiary during the 4th quarter of 1822	56
Dec.	21	3 Trustees of the University	For this sum to be paid out of monies arising from the sale of fractions reserved in the first lottery, this amount having been paid into the Treasury since the 21st of December, 1821, as per certificate of the Treasurer.	5,300
	24	4 Jno. Coffee & T. S. Swain	For the amount appropriated by an act passed the 23d inst. to authorise the opening a road from the Alapaha to the Florida line, they having been appointed for that purpose, and having applied for said sum of money.	1,500
	30	24 William D. Jarratt	For his pay as an Inspector of the Penitentiary during the 4th quarter of 1822,	56
1823 Feb.	3	91 Edward Cary	For his pay as an Inspector of the Penitentiary during the 4th quarter of 1822,	56
Mar.	12	108 The Commissioners	For one hundred and thirty-four days service at four dollars per day in laying of the town of Macon, and selling twenty half acre lots therein, pursuant to an act of legislature passed 23d December, 1822, as per their certificate.	536
				<hr/>
				87,504
				<hr/>

*Drawn chargeable to account of Special Appropriation for 1823.*

1822	Dec.	28	20 Daniel Sturges	For the amount appropriated for him by an act of the 25th inst. for drafting a plan of Newton and Walton counties, and for a plan of the lately ceded territory, embracing the counties of Dooly, Houston, Monroe, Henry and Fayette,	30
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1823 Dec.	34	28 Daniel Sturges	For the amount appropriated for him by an act of the 25th inst. for fifty-one general plans of fractional surveys for the use of the commissioners,	306
1823 Jan.	7	38 John Floyd	For the amount appropriated for him by an act of the 25th December last, as the executor of Gen. Francis Hopkins, deceased	500
		39 John Floyd	For the amount appropriated by an act of the 25th December last, for the payment of the militia drafted as a guard to the commissioners appointed to ascertain the true head of the St. Marys river,	300
	10	42 Roger L. Gamble	For the amount appropriated by an act of the 25th December last, as a commission of five per centum on certain monies collected by him for the state,	77
		43 Augustin S. Clayton	For the amount appropriated for him by an act passed the 25th December, 1822, for holding the Superior courts in the counties of Newton, Henry and Fayette, during the political year 1822,	200
Feb.	3	73 John C. Easter	For his quarters salary as adjutant general of the state	50
		74 Peter Fair	For winding up clock, sweeping stair case, passages, &c. during the first quarter,	25
		75 R. A. Greene & M. Pryor	For airing, scouring, and taking care of Senate and Representative chambers, carpets, desks, &c. during the first quarter of the political year 1823.	31 25
		76 Bozeman, Cary, & Green	For their services as inspectors of the penitentiary, during the first quarter,	168
		77 Peter Gent	For his services as military store keeper at Milledgeville, 1st qr.	100
	93	William C. Lyman	For the amount appropriated by an act passed the 25th Dec. last, for the pay and compensation of one of the secretaries of the Executive Department, for the two months services, ending 1st of December, 1822.	166 66

1873	Feb.	19	97	C. B. Strong	For the amount appropriated for him by an act passed the 25th Dec. last, for holding the Superior court in Monroe county, in the month of June last,	59
	Mar.	5	104	J. Terrell and D. Davis	For the amount appropriated for them by an act passed the 25th December, 1822,	73 63
		25	113	Isham Coleman	For the amount appropriated for him for his attendance at Milledgeville as a witness in the case of Col. Hammond,	12
	April	7	124	James Canak	For the amount allowed him by an act of the 25th Dec. 1822, for printing the bill for the sale of fractions, list of warrants drawn on the Treasurer by the Executive, penal code bill, and report of the committee on finance,	290
	May	5	158	John C. Easter	For his 2d quarter's salary as adjutant general of the state,	50
		159		Peter Fair	For his pay for winding up the clock, sweeping the stair case, passages, &c. in the state-house, during the 2d quarter,	31 25
		161		Bozeman, Cary & Ginn	For their services as Inspectors of the penitentiary, during the 2d quarter, as per accounts rendered,	168
		162		Peter Gent	For his pay as military store-keeper at Milledgeville, 2d qr.	100
		2	177	Thomas W. Harris	For the amount appropriated for him, for his services in holding the Superior court in the county of Houston, in May, 1822,	50
	Aug.	4	226	John C. Easter	For his 3d quarter's salary as adjutant general of the state,	50
		227		Peter Fair	For winding up the clock, sweeping the stair case, passages, &c. during the 3d quarter,	25
		228		R. A. Greene & M. Pryor	For airing, scouring and taking care of the Senate and Representative chambers, carpets, desks, &c. during the 3d quarter,	31 25
		229		J. Bozeman & E. Cary	For their services as Inspectors of the penitentiary, during the 3d quarter, as per accounts rendered; the other Inspector's account (A. Ginn) is rejected, he having rendered no service this quarter, is not entitled to pay,	112
		230		John Bozeman	For his pay as military store-keeper at Milledgeville, 3d qr.	100



1823 Nov.	1 280 Peter Fair	25
	281 R. A. Green & M. Pryor	31 25
	282 Bazeman, Cary, and Ginn	168
	283 John Bozeman	100
	283 Cicero Holt	50
		<hr/>
		\$3,471 29
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*Drawn chargeable to account of Fund for the redemption of the Public Debt.*

Dec. 24	5 Henry D. Downs	
	For one eighth part of an audited certificate, issued to the said Henry D. Downs as administrator of William Downs, dec'd.	1,852 17
	Under an act of the Legislature, passed the 23d Dec. 1822,	
	For one eighth part of the nominal value of three audited certificates issued in favor of Thomas Barnett, William Kelly and Phillip Highnote,	6 23
		<hr/>
		\$1,858 40
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*Drawn chargeable to account of Appropriation for the Penitentiary for 1823.*

26	10 Terondet, Atkinson & Co.	
	For the balance due them for various articles of goods sold to the Penitentiary up to the 31st December, 1822, as per order of the Inspectors,	1,314 68

4	32	Isaac Hill	For the amount of an order drawn by the Inspectors of the penitentiary in his favor as contractor to furnish rations for the guard and convicts in the penitentiary the present year, the same being in advance,	1,500	
	55	John G. Minglehoff	For conveying a convict from Bryan co. to the penitentiary, do do Effingham do do Glynn	182 88 159 243 44	
Feb.	3	89	Phillip Cook	For the pay of all the officers and guard of the penitentiary during the first quarter,	1,900 47
March	6	105	Richard I. Willis	For conveying two convicts from Chatham co. to the penitentiary do one do Wilkes do do Wayne do do Hall	200 65 245 110
April	3	120	Arthur Redding	For the amount of an order drawn by the Inspectors of the penitentiary in his favor as contractor to furnish rations for the guard and convicts in the penitentiary the present year the same in advance for the second quarter,	868 04
May	5	173	Philip Cook	For the pay of all the officers and guard of the penitentiary, during the second quarter,	1,807 70
June	23	198	Isaac D'Iyon	For conveying two convicts from Chatham co. to the penitentiary	200
July	1	201	Arthur Redding	For the amount of an order drawn by the Inspectors of the penitentiary in his favour as contractor to furnish rations for the guard and convicts the present year, the same being in advance for the third quarter	848 19
Aug.	4	240	Philip Cook	For part payment of the officers and guard of the penitentiary, the third quarter, the same being the balance of the appropriation for the penitentiary the present year.	1,203 79
					<hr/>
					\$10,848 19

# *Amount chargeable to account of Appropriation for Printing for 1823.*

1822 Jan.	3	51	Grandland & Orme	For the balance due them for printing and binding three thousand copies of Prince's Digest, including extra charges, as per account rendered,	2,200
	16	46	James Camak	For printing done for the surveyor-general's office up to the first November, 1822,	630
	23	48	M. Robertsen	For advertising a resolution on the subject of calling a convention, the law to alter the constitution in the mode of electing the Governor, &c. &c. as per account rendered,	43 25
Mar	11	107	Joseph V. Bevan	For advertising in the Augusta Chronicle an act to alter and amend the second section of the second article of the constitution, and for one year's subscription to the Chronicle,	17 75
	17	110	John Millen	For one year's subscription to the Darien Gazette, and publishing sundry executive orders as per account	59
	25	114	Cosam E. Bartlet	For printing done for the executive department, as per account rendered	34 13
	27	115	Grandland & Orme	For printing done for the executive department and the secretary of state's office, as per account,	232 12 $\frac{1}{2}$
April	1	119	George Robertson, Jun.	For printing done for the executive department, as per account rendered,	57 58
	7	122	Camak & Hines	For the sum allowed them for printing one hundred and fifty copies of the land lottery bill as reported to the house of representatives, for printing the same bill as it passed the house of representatives, and for printing one hundred and fifty copies of the treasurers abstract, agreeable to three resolutions of the legislature, approved 16 <sup>th</sup> May, 1821,	65
	123		Camak & Hines	For the sum allowed them for printing 150 copies of the reports	

1823 April 25	130	Grantland & Orme	of the committee on finance, agreeable to a resolution of the legislature, approved 22d December, 1821,	100
June 12	195	James Camak	For printing blank Militia Returns for the adjutant-general, as per account,	76
			For printing done for the state in the Georgia Journal, between the first February, 1821, and May 27th, 1823, as per account rendered,	813 75
	196	P. C. Guieu	For printing done for the executive between the 30th August, 1822, and 14th March 1823, as per account,	10 25
	197	James Camak	For printing 2500 copies of the Militia and Patrol Laws, in pursuance of a contract entered into with the executive under a resolution of the general assembly, passed 16th Dec. 1822,	601 37½
	200	James Camak	For printing blanks for the offices of the secretary of state and comptroller-general, as per account,	52
				<u>84,391 13</u>

231

*Drawn chargeable to account of Appropriation for the Ocmulgee river.*

April 7	121	Com <sup>rs</sup> of Ocmulgee river	For the amount appropriated for the improvement of the Ocmulgee river, by an act of the legislature, passed 25th Dec. 1822,	<u>10,000</u>
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*Drawn chargeable to account of Military Disbursements for 1823.*

1823 Dec. 28	18	Thomas Dawson	For his services as brigade inspector of the second brigade-third division of the militia, as per certificate of the commanding officers of regiments,	36
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1823. Jan.	30	21	Michael F. Boisclair	For his services as Inspector of the second division of the militia for the years 1821 and 1822, as per certificate of Major General Walker,	112
	4	34	William P. Foard	For nineteen days service as brigade inspector of the first brigade fifth division of the militia of this state as per certificates of the commanding officers of regiments,	76
	9	41	Aaron W. Grier	For four days service as brigade inspector of the first brigade second division in the year 1822, as per certificate of the commanding officers of regiments,	46
	21	47	William Beall	For twenty-two days service as brigade inspector of the second brigade fourth division of the militia, as per certificate of General Beall,	88
Feb.	3	82	Francis M. Stone	For his pay as military storekeeper at Savannah, the 1st quarter,	60
	17	95	William P. Bowers	For eighteen days service as brigade inspector of the first brigade first division in the year 1822, as per certificate of the commanding officers of regiments,	72
	18	96	John Bailey	For taking care of the public arms in Camden county from the first Nov. 1820, to the first Nov. 1822, as per account rendered	48
	25	100	F. M. Stone	For expences incurred in repairing the arsenal at Savannah, as per account rendered,	155 27
May	5	167	F. M. Stone	For his pay as military storekeeper at Savannah, the 2d quarter,	60
Aug.	4	231	F. M. Stone	do do do 3d do	60
Sept.	20	246	John G. Bostick	For his pay, transportation and rations for thirty days service as brigade inspector of the second brigade first division, as per account rendered and certified, pursuant to an act of the legislature, passed the 23d December, 1822,	141 30
Oct.	8	249	William P. Ford	For his pay, transportation and rations for twenty five days service, as brigade inspector of the first brigade fifth division, as per account rendered,	108 56

\$1,093 07

*Drawn chargeable to account of Appropriation for County Academies.*

Mar. 29	118	Com'm's Jones County	For their proportionate share of the monies now in the treasury subject to distribution among the several counties for the use of Academies, pursuant to the act of 23d Dec. 1822,	500	
May 6	176	Com's. of Hancock county	For their proportionate share of the monies now in the treasury, subject to distribution among the several counties, for the use of academies, pursuant to act of 23d Dec. 1822,	335 93	
	14	181	Com's. of Walton county	For their proportion of said appropriation,	500
	15	185	Com's. of McIntosh co.	do	470 87½
	16	186	Com's. of Lincoln co.	do	500
June 5	193	Com's. of Warren co.	do	do	500
Sept. 20	248	Com's. of Gwinnett co.	do	do	500
					<u>\$3,306 80½</u>

29  
22  
50

*Drawn chargeable to account of Land Fund, for 1823.*

Feb. 3	84	Abner Hammond	For his fees on 1670 grants land in the 3d and 4th lotteries, passed during the 1st quarter	1,002
	85	Daniel Sturges	For his fees on the same grants;	835
	86	George R. Clayton	do	133 60
	87	James Bozeman	do	133 60
	88	Secretaries Ex. Departm't.	do	333 60

1729 Feb.	3	92 Abner Hammond	For his fees on 226 grants for land in the 3d and 4th lotteries, passed between the 13th Oct. and 4th Nov. 1822,	135
May	5	168 Abner Hammond	For his fees on 16 grant for land in the 1st and 2nd lotteries, passed during the 1st and 2d quarter, and on 550 grants in the 3d and 4th quarter, passed 2d quarter,	354 295 48 46 48
		169 Daniel Sturges	For his fees on the same grants,	
		170 George R. Clayton	Do do do	
		171 James Bozeman	Do do do	
		172 Secretaries Ex. Departm't.	Do do do	
Aug.	4	235 Abner Hammond	For his fees on 3 grants for land in the 1st and 2d lotteries, and on 388 in the 3d and 4th lotteries, passed during the 3d qr.	237 30 197 75 31 79 31 79 31 79
		236 Daniel Sturges	For his fees on the same grants	
		237 George R. Clayton	Do do do	
		238 James Bozeman	Do do do	
		239 Secretaries Ex. Departm't.	Do do do	
	30	242 C. B. Pritchard	For an advance made at the request of the Surveyor-general, who has appointed him to make a survey of the Islands, &c. situate in the Ocmulgee and Flint rivers, for the purpose of furnishing the fraction selling commissioners with that information, as required by the act of the 23d Dec. 1822, the said Islands not having been surveyed heretofore,	200
Nov.	1	288 Abner Hammond	For his fees on 507 grants for land in the 3d and 4th lotteries, passed during the 4th quarter,	504 2q
		289 Daniel Sturges	For his fees on 244 grants for land in the 3d and 4th lotteries, passed in the 4th quarter up to the 18th Sept. inclusive,	122
		290 B. H. Sturges	For his fees on 263 grants for land in the 3d and 4th lotteries, passed since the 18th Sept.	131 50
		291 George R. Clayton	For his fees on 507 grants for land in the 3d and 4th lotteries, passed during the 4th quarter,	40 50

1623 Nov.	1	292 James Hezeman	For his fees on the same grants,	40	36
		293 Secretaries Ex. Departm't.	Do do do	40	56
				<u>\$4,5560</u>	

*Drawn chargeable to account of Contingent Fund for 1823.*

Dec.	25	7 J. Blair & T. Glascock	For an advance to defray their expenses as commissioners on the part of the state in going to, attending, and returning from the contemplated treaty with the Cherokee Indians,	200
		8 James Blair	For services performed by him in January and February, 1822, agreeable to the request of the executive, in ascertaining and making a report of the number of persons claiming reserves under the treaties with the Cherokee Indians in 1817 and 1819, &c. &c. as per account rendered,	100
	26	9 Thomas M. Bradford	For postage on letters, newspapers, and pamphlets, from 6th July to 26th December, 1822, including \$6 75, for postage on extra sheets, as per account rendered,	318 07
		11 Hezekiah Tefrell	For his insolvent list as tax-collector of Franklin county, for the year 1819, as per certificate of the comptroller-general,	10 93
		12 Peter Fair	For the pay of the guard kept in the state house of nights, during the 4th qr. of the political year 1822, as per account rendered,	242 50
		13 Peter Fair	For his pay as messenger to the Executive department, during the 4th quarter of last year,	100
		14 Peter Gent	For his pay as military store-keeper at Milledgeville, during the 4th quarter of last year,	75
		15 F. M. Stone	For his pay as military store-keeper at Savannah, during the 4th quarter of last year,	60



1823 Dec. 27	16 Peter Gent	For cleaning the privy house, and repairing fence on public square, as per account rendered,	13
	17 Marlow Pryor	For the amount allowed him by a resolution of the Legislature of the 24th Dec. 1822, for extra services in attending the committee to whom was referred so much of the Governor's message as relates to Abner Hammond,	30
	19 Arthur A. Morgan	For his services in examining, arranging and digesting the accounts and proceedings of the different officers who have had the bonds, notes, judgments, &c. due the state, on account of fractions, in their management, including travelling expenses while engaged in that service, as per account rendered,	269
	20 John Knight	For the amount directed by a resolution of the Legislature of the 24th inst. to be paid him in lieu of, and as commutation for his bounty warrant,	400
	23 William B. Clark	For the amount of warrant No. 262, drawn in his favor the 26th Oct. 1822, chargeable to account of contingent fund of 1822, which warrant has been returned to the executive, by whom it has been destroyed,	486
	25 William D. Jarratt	For carrying the desks belonging to the Senate and Representative chambers to the penitentiary, superintending the repairing of the same, and bringing the same back, as per account,	50
	26 Robert Watson	For riding express with a writ of election to Early county, for the election of a Senator,	50
	31 27 S. Betton & Jas. Bozeman	For examining Prince's printed Digest of the laws of this state with the manuscript, to see if all the laws were printed in said Digest, as per account rendered,	10
Jan. 23	30 Thomas & Tucker	For painting 4 eagles on the state house at one hundred and sixty dollars, and for seventy-eight dollars and twenty-two cents, a balance due them, as per their account filed 23d Oct. last,	238 23

6	37	David Jameson	passing counterfeit money, as per account rendered, For 62 cords oak and hickory and 5 cords light wood, furnished in October and November last, for public use,	138 33
8	40	Thomas & Tucker	For materials furnished by them and used in painting the eagles on the state house, as per account rendered, the same being the balance in full on account of repairs done on the state- house by them,	65 33
10	44	George R. Clayton	For preparing a schedule of bonds, &c. of fractions furnished the Executive in June, 1821, agreeable to an Executive order of the 26th May, 1821, and a schedule of all bonds, notes, mortga- ges, and receipts, now in the Treasury, on which money is due the state, except those contained in the schedule first men- tioned, furnished the Executive agreeable to his order of the 22d Sept. 1822, as per account rendered,	60
14	45	Simon Whitaker	For civil and military commissions, writs dedimus potestatem, blank bonds, &c. issued pursuant to Executive orders between the 13th August and 12th October, 1822, inclusive, as per ac- count rendered,	114 50
29	49	William Hardin	For the amount of costs on the scire facias' issued in behalf of the state, and non-suited in Henry Superior court, the same being being issued against fraudulent drawers in the last land lottery, as per account rendered,	22 87½
Feb.	5	Abner Hammond	For civil and military commissions, writs of dedimus potestatem, blank bonds, &c. issued pursuant to Executive orders during the first quarter of the present year, as per account,	504
	79	Abner Hammond	For civil and military commissions, writs of dedimus potestatem, blank bonds, &c. issued pursuant to Executive orders, in the	

1823 Feb. 3	80 Peter Kau	43
	81 Peter Fair	220
	83 William C. Lynan	100
	92 98 M. C. Williamson	80 34
	94 99 Daniel Sturges	102
	97 101 Thomas M. Bradford	10 62½
March 4	102 Elisha Wood	152 17½
	103 Thomas Glascock	235 1½
		260

4th quarter of 1822, say orders of the 9th Aug. and from the 14th Oct. to the 1st Nov. 1822, inclusive,  
For the pay of the guard kept in the state house of nights during the first quarter of the political year 1823, as per account rendered, 43  
For his pay as messenger to the executive department the 1st qr. 220  
For his pay as secretary to the executive department since the 1st of January last, 100  
For transcribing into books 3960 names of persons entitled to draws in the 3d and 4th lottery, designating the county and district in which each person resided when he gave in for draws, with the number to which each is entitled—the same having been transmitted to the executive by the receivers on small slips of paper;—for folding and backing said papers and putting covers to the books returned to the different counties for the two last lotteries, as per account rendered, 80 34  
For postage paid by him on county surveyors letters the past and present quarters, and for cash paid for making two extra keys to the lock of the surveyor generals office, as per ac't rendered 10 62½  
For postage on letters and newspapers from the 27th December 1822, to the 27th February 1823, as per account rendered, 152 17½  
For a balance due him on account of disbursements in a settlement with the executive at the close of the political year 1822, and for monies advanced by him since that time, as per account rendered, 235 1½  
For the amount due him after deducting one hundred dollars paid him in advance for forty-five days service as a commissioner on the part of the state to attend the late contemplated treaty with the Cherokee Indians, as per account rendered, 260

1823 March 6 106	Thomas Anderson	For the amount of his invoice, list as tax collector of Wilkes county for the year 1821,	150 50
13 109	M. C. Williamson	For going to seven persons residing in the counties of Jasper, Jones, Morgan, Newton and Washington to obtain deeds of relinquishment to the state, of lands drawn by them in the last lottery, contrary to the provisions of the act of the 15th May 1821, to dispose of and distribute the lands lately acquired of the Creek nation of Indians, &c. for cash paid for recording two of said deeds, and to magistrates for witnessing relinquishments,	56 75
18 111	William Triplett	For forty days service as secretary to the commissioners on the part of the state, to attend the late contemplated treaty with the Cherokee Indians, as per account rendered,	200
27 116	Marlow Pryor	For arranging the seats in the Representative chamber, and for a half dozen ink-stands, as per account rendered,	3
April 8 125	Seaton Grantland	For one hundred and twenty one copies of the Georgia Justice purchased in compliance with a resolution of legislature, approved 25th December, 1822,	605
15 126	M. C. Williamson	For going to the clerks of the Superior courts of the counties of Henry, Houston and Crawford, for the purpose of getting recorded five deeds of relinquishment to the state, of lands drawn in the last lottery, contrary to law, as per ac't rendered	83 43 3/4
17 127	Terondelet, Atkinson & Co.	For three dozen ink powder purchased of them for the use of the state,	6
25 128	Adam Jones	For carrying the laws and Journals of the last session of the legislature, Prince's Digest, Militia and Patrol laws, and the laws of the United States to the several counties in the Ocree judicial circuit,	49 50

1823 April 24 129 Ginn & Curtis

25 131 James Blair

26 132 William B. Clark

133 Peter Fair

29 134 Joseph Collins

May 5 163 Abner Hammond

164 Peter Fair

165 Peter Fair

166 William C. Lymap

174 James Jameson

175 Davis Hays

For blank books, stationary, &c. furnished the executive, secretary of state, and surveyor-general, as per account rendered, for the amount due him after deducting one hundred dollars paid him in advance, for thirty-seven days service as a commissioner on the part of the state, to attend the late contemplated treaty with the Cherokee Indians, as per account rendered, For numbering thirty-six writing desks in the Representative chamber, as per account,

For his services in tying up the laws of the last session of the legislature, the militia and patrol laws, and delivering the same together with Prince's Digest and the laws of the United States to the persons employed to carry them to the different counties throughout the state, as per account rendered, For carrying the laws and journals, &c. &c. to the northern judicial circuit,

For civil and military commissions, writs of dedimus potestatem, blank bonds, &c. issued pursuant to executive orders during the second quarter as per account rendered,

For the pay of the guard kept in the state house of nights during the second quarter,

For his pay as messenger to the executive department during the second quarter,

For second quarter's salary as secretary to the executive department,

For carrying the laws and journals of the last session of the legislature, Prince's Digest, the Militia and Patrol laws, and laws of the United States to Early county

For carrying the laws and journals, &c. &c. to the several counties in the southern circuit, except Early,

For carrying the laws and journals, &c. &c. to the several counties in the southern circuit, except Early, as per account rendered, for the amount due him after deducting one hundred dollars paid him in advance, for thirty-seven days service as a commissioner on the part of the state, to attend the late contemplated treaty with the Cherokee Indians, as per account rendered, For numbering thirty-six writing desks in the Representative chamber, as per account,

159 56½

196

4 50

15

139

317

250

100

250

39

63

18

179 Daniel Sturges	165
180 Peter F. Jailliet	15
182 Hiram A. Wood	18
183 Thomas Ragland	12
184 M. G. Wilkinson	12
187 Thomas O. Benning	164
188 Marlow Pryor	50
189 Thomas M. Bradford	20
190 Adam Jones	157 87
191 Peter Gen†	150
	16

ties in the Flint circuit.  
For making five certified lists of the numbers of fractions for the use of the fraction-selling commrs, as per ac't rendered,  
For three days service in enrolling bills for the house of representatives, pursuant to a resolution of the legislature of the 25th Dec. 1822, as per account certified by the clerk,  
For two days service in enrolling bills. do do  
Do do do do  
For carrying the laws and journals of the last session of the legislature, the militia and patrol laws, Prince's Digest, and laws of the United States to the several counties in the western circuit,  
For his services as clerk to the judges of the Superior courts of this state, convened at the state-house on the 12th inst. in pursuance of an act of the general assembly, passed the 24th Dec. 1821, to establish uniform rules of practice at law and in equity throughout the several circuits of this state—the said judges having recommended the same to be paid,  
For his services as messenger to the judges aforesaid, they having recommended the same paid,  
For postage on letters, newspapers and pamphlets to, and letters from the executive, between the 28th February, and 22d May, 1823, as per account rendered,  
For carrying the laws and journals of 1822, Prince's Digest, militia and patrol laws and laws of the United States, to the different counties in the eastern circuit,  
For a gun lathe, band and wheel, and a hand vice, purchased of him for the use of the arsenal in Milledgeville, as per account

1833 June 7	194 Peter Jalliet	For carrying the laws and journals, &c. &c. to the several courts in the middle district,	114
28	199 Camak & Ragland	For one hundred and seventy-one copies of the Rules of Practice adopted by the judges of the Superior courts, at their convention in May last, delivered in pursuance with a contract made with them by the executive,	85 50
July 26	202 Thomas M. Bradford	For postage on letters, pamphlets and books to and from the executive, including postage on newspapers, from the 22d May, to 26th July, 1723, as per account rendered,	185 87½
Aug. 4	232 Abner Hammond	For civil and military commissions, writs of dedimus potestatem, blank bonds, &c. issued pursuant to executive orders during the third quarter, as per account,	282 50
	233 Peter Fair	For the pay of the guard kept in the state-house of nights, third quarter, as per account,	242 50
	234 Peter Fair	For his pay as messenger to the executive department, 3d qr.	400
	241 John King	For repairing 32 guns belonging to the state, as per ac. rendered,	52 12½
Sept. 11	243 D. Sturges & J. Bozeman	For four days service each, in examining the lottery books and general plans, to ascertain how many square lots have been omitted to be drawn in the last land lottery, by direction of his excellency the Governor, at four dollars each per day, as per account,	32
	244 Marlow L. Pryor	For work done on the government lot, as per account rendered,	11 50
	245 Wiley & Baxter	For four reams fine letter paper purchased of them for public use, as per account,	22
	247 Benjamin Tarbutton	For hauling forty-nine public muskets sent by Col. Morgan Brown from Sandersville to Milledgeville, as per his letter and account rendered,	6
Oct. 14	250 William Robertson	For the amount paid by him to two additional clerks employed by him as secretary to the senate, to assist in enrolling the laws	

1823 Oct 17	251	William B. Clark	For furnishing glass, and putting the same in window sash to state-house, arsenal and privy house, as per account rendered, For postage on letters, newspapers, &c. to, and letters from the Executive, between the 26th July and 20th October, 1823, as per account rendered,	18 50
20	252	Thomas M. Bradford	For their services which they have engaged to render in defence of an action brought against John Clark, in the Superior court of Baldwin county, by Abner Hammond, for an act done by him in discharge of his duty as Governor of the state, For cleaning 56 muskets belonging to the state, loaned some years since to a volunteer company, and returned in bad order For 10 cords light wood furnished for public use, as per contract, For civil and military commissions, writs of dedimus potestatem, &c. issued pursuant to Ex. orders, 4th qr. as per account, For the pay of the guard kept in the state-house, 4th quarter, as per account rendered,	219 21
28	253	Rockwell & Campbell	For his pay as messenger to the Ex. Department during 4th qr. For his pay as Secretary to the Executive Department, from the 20th ult. to the 2d inst. inclusive,	200
	254	John Bozeman	For postage on letters to him on public business in 1822 and 1823, as per account rendered,	46
Nov. 1	255	Farrish Carter	For advertising sundry acts of the Legislature, proclamations, &c. in the Augusta Chronicle and Geo. Advertiser as per ac.	25
	256	Abner Hammond	For two years subscription to the Athens Gazette, and for advertising in said paper, as per account	251
	257	Peter Fair		240
	258	William W. Carne		100
	259	George R. Clayton		38 36
	260	W. J. Hobby		54 71
	261	Samuel W. Minor		56 1/2



-1823 Nov.

- 1 299 B. Childersleeve & Co.
- 300 Elisha Wood
- 301 James H. Kallen
- 302 Wiley & Baxter
- 304 John Marlow

For one years subscription to the Missionary, and for advertising in said paper, as per account, 5  
32  
For this amount paid to sundry persons, as per account rendered 840  
For making a fence on the public square, putting gates, steps, &c. to the same, and steps to privy house, as per contract, 39 70  
For 7 teams letter paper and 8 bunches ribbon, purchased of them for public use, as per account, 8 23  
For putting up blinds to windows in the Executive, Senate and Representative chambers, &c. as per account rendered, 811,621 01½

*Drawn chargeable to account of Civil Establishment of 1822.*

For a balance of salary due him as Secretary of State in the 4th quarter of last year, 814 91

Feb. 3 90 Abner Hammond

*Drawn chargeable to account of Civil Establishment of 1823.*

For his 1st qr. salary as Governor, &c. for the political year 1823. 750  
Do do Secretary to the Ex. Department, 250  
Do do do 62 50  
Do do Secretary of the State 375  
Do do Treasurer of the state, 125  
Do do Surveyor-General, 250  
Do do Comptroller-General, 150  
Do do House of Representatives, 150

- 50 His Ex. John Clark
- 51 John Burch
- 52 Elisha Wood
- 53 Abner Hammond
- 54 George R. Clayton
- 55 Daniel Sturges
- 56 James Bozeman

59	James M. Wayne	Do	do	Judge Superior courts, Eastern district, Middle	do	525
60	Robert Walker	Do	do	do	do	525
61	A. B. Longstreet	Do	do	Ocmulgee	do	525
62	A. S. Clayton	Do	do	Western	do	525
63	T. W. Harris	Do	do	Southern	do	525
64	E. S. Shorter	Do	do	Flint	do	525
65	J. M. Dooley	Do	do	Northern	do	525
66	T. F. Wells	Do	do	Attorney General of the state	do	56 25
67	N. P. Bond	Do	do	Solicitor-general of the Eastern district	do	56 25
68	Micajah Henley	Do	do	Northern	do	56 25
69	Y. P. King	Do	do	Ocmulgee	do	56 25
70	Cicero Holt	Do	do	Western	do	56 25
71	Charles J. McDonald	Do	do	Flint	do	56 25
72	Thadeus G. Holt	Do	do	Southern	do	56 25
5	His Ex. John Clark	For his 2d yrs. salary as Governor and Commander in Chief,	do	Secretary to the Ex. Department,	do	750
136	John Burch	Do	do	do	do	250
137	Elisha Wood	Do	do	Secretary of the State.	do	250
138	Abner Hammond	Do	do	Treasurer of the State,	do	62 50
139	George R. Clayton	Do	do	Surveyor-general,	do	375
140	Daniel Sturges	Do	do	Comptroller-general,	do	125
141	James Bozeman	Do	do	Clerk of the House of Representatives,	do	250
142	William C. Dawson	Do	do	Secretary of the Senate,	do	150
143	William Robertson	Do	do	Judge Superior courts, Eastern district,	do	525
144	James M. Wayne	Do	do	Middle	do	525
145	Robert Walker	Do	do	Ocmulgee	do	525
146	A. B. Longstreet	Do	do	Western	do	525
147	A. S. Clayton	Do	do	Southern	do	525
148	Thomas W. Harris	Do	do	do	do	525

May



Nov.	224	Cicero Holt	For his 3d qrs. salary as surgeon-general of the western district	Do	do	Flint	do	56 25
	225	C. J. McDonald	Do	do	do	do	do	56 25
	226	T. G. Holt	Do	do	do	Southern	do	56 25
	227	His Ex. John Clark	For his 4th qrs. salary as Governor and Commander in Chief,	Do	do	Secretary to the Executive Department,	do	750
	228	John Burch	Do	do	do	do	do	250
	229	Elisha Wood	Do	do	do	Secretary of the State,	do	250
	230	Abner Hammond	Do	do	do	Treasurer of the State,	do	62 50
	231	George R. Clayton	Do	do	do	For his proportion of 4th qrs. salary as Surveyor-general	do	375
	232	Daniel Sturges	For his 4th qrs. salary as comptroller-general,	Do	do	clerk of the house of representatives	do	65 65
	233	James Bozeman	Do	do	do	secretary of the senate,	do	250
	234	William C. Dawson	Do	do	do	judge of Superior courts of eastern district,	do	150
	235	James M. Wayne	Do	do	do	do	middle	525
	236	Robert Walker	Do	do	do	do	Ocmulgee	525
	237	A. B. Longstreet	Do	do	do	do	western	525
	238	A. S. Clayton	Do	do	do	do	southern	525
	239	T. W. Harris	Do	do	do	do	northern	525
	240	J. M. Dooly	Do	do	do	do	Flint	525
	241	Eli S. Shorter	Do	do	do	attorney-general of the state	do	56 25
	242	Thomas F. Wells	Do	do	do	solicitor-general of the eastern district	do	56 25
	243	N. P. Bond	Do	do	do	do	northern	56 25
	244	Micajah Henly	Do	do	do	do	Ocmulgee	66 25
	245	Y. P. King	Do	do	do	do	western	56 25
	246	Cicero Holt	Do	do	do	do	Flint	56 25
	247	C. J. McDonald	Do	do	do	do	southern	56 25
	248	T. G. Holt	Do	do	do	do	do	56 25

1823 Nov. 1 294 Benjamin H. Sturges For his proportion of the 4th quarters salary of the surveyor general—say from the 18th September, 58 35

\$25,625 00

# RECAPITULATION.

Drawn chargeable to account of Special Appropriation for 1821,	\$6,000
Do do do 1822,	7 50 4
do do do 1823,	3,471 29
Fund for the redemption of the Public Debt,	1,838 40
Appropriation for the Penitentiary for 1823,	10,848 19
do do Printing for 1823,	4,991 13
do do the Ocmulgee river,	10,000 00
do do Military disbursements for 1823,	1,093 07
do do Appropriation for County Academies,	3,306 80½
do do Land Fund for 1823,	4,575 60
do do Contingent Fund for 1823,	11,621 01½
do do Civil Establishment for 1822,	14 91
do do do 1823,	25,625 00
do do do	\$90,889 41

Executive Department, Georgia, Milledgeville, 4th Nov. 1823.  
ELISHA WOOD, Secretary.

*Amount of Tax paid by each County, for the year 1822.*

Appling	1822	8302	Jasper	"	4 563
Baldwin	"	3,912	Jefferson	"	2,206
Bibb	1823	675	Jones	"	4,334
Bulloch	1822	742	Laurens	"	1,634
Burke	"	2,507	Liberty	"	2,795
Bryan	"	861	Lincoln	"	1,657
Camden	"	2,942	Madison	"	788
Chatham	"	21,678	McIntosh	"	3,247
Clark	"	2,558	Monroe	"	634
Columbia	"	3,858	Montgomery	"	673
Crawford	1823	221	Morgan	"	4,214
De Kalb	"		Newton	"	741
Dooly	"	82	Oglethorpe	"	4,073
Early	"	286	Pike	1823	388
Effingham	1822	919	Pulaski	1822	1,218
Elbert	"	3,282	Putnam	"	4,716
Emanuel	"	480	Rabun	"	78
Fayette	"	188	Richmond	"	13,693
Franklin	"	1,835	Scriven	"	1,538
Glynn	1821	1,078	Tattnall	"	637
Greene	1822	4,477	Telfair	"	450
Hawkins	"	895	Twiggs	"	2,240
Hebrew	"	487	Walton	"	913
Hall	"	699	Warren	"	2,846
Hancock	"	4,116	Washington	"	2,653
Henry	"	274	Wayne	"	400
Houston	"	170	Wilkes	"	5,819
Jackson	"	82	Wilkinson	"	1,437
		1,995			
					<hr/> \$153,242

The amount of tax for such counties as had not yet returned any reports for the year 1822, has been taken from the digests of the preceding or succeeding year, so as to give a tolerable correct idea of the amount of the general tax for one year.

WILLIAM TRIPLETT, *Comp. Gen.*

Nov. 27, 1823.

The committee further report—that they have had under their consideration a report of the defaulting tax collectors up to the first day of December last; the amount for which they are in arrears, and the different years in which the taxes were collected. A large portion of the sums due will we fear be ultimately lost to the state.

The indulgence which has been given to defaulters, together with the frequent failure of collectors to give bond and security, as required by law before they enter upon the duties of their office, more than any other causes, have in the opinion of the committee, produced a serious evil. That punctuality in the payment of public dues is

SEN.

essentially necessary to the existence of a revenue, is too apparent to require argument in its support; rigidly to insist upon a strict compliance with the laws in this respect is a general rule from which it is impolitic to depart unless in very extraordinary cases, which seldom occur, so seldom indeed, as scarcely to form exceptions. It is the duty of the Inferior courts under the authority of a *dedimus potestatem* from the Governor to take the necessary bond and administer the oath of office to all county officers. In some instances the *dedimus* and commission may have failed in their transmission, but this failure must be known to the courts, and for them with this knowledge to permit an officer who has not entered into the legal restrictions, to proceed in the collection of the public revenue, without an effort to prevent it, is unpardonable negligence.

We would recommend the passage of a law subjecting collectors who shall in future proceed to collect any part of the taxes before they have given bond and taken the oath of office, to indictment and upon conviction thereof to sentence of fine and imprisonment, at the discretion of the court.

## A LIST OF TAX-COLLECTORS

### *In Arrears.*

<i>Collector's Names.</i>	<i>County.</i>	<i>Year.</i>	<i>Amount.</i>
James Powell	Glynn	1805	\$454
do	do	1806	405
do	do	1807	230
do	do	1809	383
Robert Leach	do	1810	315
do	do	1811	11
John Burnitt, jr.	do	1813	322
James Kennedy	do	1814	1,474
William Piles	do	1815	990
Robert Payne	do	1816	} 3,055
do	do	1817	
William Purvis	do	1818	1,131
do	do	1819	360
John Cooper	McIntosh.	1803	1,041
do	do	1804	1,165
do	do	1805	1,199
do	do	1807	975
do	do	1808	136
Murdock McLeod	do	1801	209
Wm. S. Taylor	do	1814	1,185
Benjamin McGillis	Camden	1800	278
do	do	1801	210
John Boog	do	1803	195
do	do	1804	669
Joseph Crews	do	1805	475
do	do	1806	903
do	do	1807	1,356

William Scott	Camden	1810	339
do	do	1811	434
do	do	1812	246
do	do	1813	648
do Direct Tax	do	1813	459
H. Davidson	Bryan	1806	120
T. Keating	do	1807	699
do	do	1808	
do	do	1809	225
do	do	1810	224
John Waddel	Clark	1802	147
S. Lanier	Scriven	1807	122
do	do	1810	268
John H. Collins	Columbia	1807	47
John Devaux	Chatham	1809	8,437
do	do	1810	13,169
Christian Guggle Direct Tax		1813	
John Stewart	Liberty	1811	387
James Wiley	Franklin	1800	113
Thomas Hughes	Jackson	1813	307
John Bishop	Hancock	1811	67
Greene Mitchell	do	1819	3,195
do	do	1821	890
Amiel S. Pearce	Wilkinson	1812	386
Wm. Nobles	Morgan	1808	22
Island McTerre	Richmond	1810	483
John Daracott	Wilkes	1806	437
do	do	1807	435
do	do	1808	3,917
James Belcher	Chatham	1803	1,996
Emuel Owens	Putnam	1819	4,837
David E. Kemp	Wayne	1819	30
John Simmons*	do	1819	1,477
Thomas H. Hanley	Richmond	1819	11,202
James Loyless	Warren	1820	2,517
James Overstreet	Tatnall	1818	478
do	do	1819	466
Alfred Thompson	Laurens	1818	743
W. A. Carr	Early	1820	43
William Oliver	Scriven	1820	1,301
Wm. Waller	Washington	1821	2,572
Benjamin Mell	Liberty	1820	190
do	do	1821	
Isaac Hall	Wilkinson	1821	1,297
L. L. Jones	Baldwin	1821	1,041
John Harris Direct tax	Glynn	1813	737
do	do	1814	718
do	do	1815	813
James Overstreet	Tatnall	1820	526

JAS. BOZEMAN, Comp. Gen'l.

\* Paid to the Sheriff who has failed.



Mr. Brown of Hancock, from the joint committee on finance further reported, as follows :

The committee on finance has had under their consideration, the fund usually termed the African Fund, and find that the negroes were sold for the sum of \$41,710, and that there has been drawn from this fund the sum of \$14,038 18, for the capturing, supporting and maintenance of the negroes, fees to agents, and to counsel for prosecuting and defending various actions brought in the United and State courts. The balance of the fund now in the bank amounts to the sum of \$27,671 82, and the same is subject to a draft in favor of John A. Cuthbert, Esq. for \$100 as a fee. Exclusive of these sums, there has been paid out of your treasury to Mr. M'Intosh, for the capture of the negroes the further sum of \$3,287 91. We beg leave to refer the legislature to the report made by Edward Cary, Cashier of the Bank, on that subject to this committee, which accompanies this report.

The after mentioned sums exhibit a condensed view of the several accounts rendered by Charles Williamson, agent for the share in the African business, at different times, up to the period of a final settlement with him by the late Governor, viz :

For amount of his account No. 1, containing vouchers, numbered from 1 to 14, inclusive; two sums for which there are no vouchers, of \$25 each, and the agents commissions on the amount of sales, \$6,973 82

For amount deposited in Bank, as per Executive order and Cashier's receipt, both dated 28th August, 1818, herewith submitted, \$4,736 13

For amount of his account No. 2, containing vouchers, numbered from 1 to 13, inclusive, 2,754 11½

For amount of his account No. 3, containing vouchers, numbered from 1 to 7, inclusive, 172 50

For amount of his account No. 4, for services and expences as agent in attending to suits, &c. 1,132

#### RECAPITULATION.

Amount of sales of Africans in August 1818,	\$41,710
Deduct expences up to that time as per the agents account No. 1,	6,973 82
Deduct checks drawn on the deposit made in Bank by Governor Rabun, as per agent's account No. 2, and numbered from 1 to 5, inclusive,	3,090
Deduct checks drawn on the deposit made in Bank by Governor Clark, numbered from 6 to 23, inclusive,	3,974 36
	<u>14,038 18</u>
Leaving a balance in bank to the credit of the Governor on the 10th inst. of	<u>\$27,671 82</u>

By amount for which 63 Africans, seized by James Smith and William I. McIntosh, sold on the 17th Aug. 1818, as per account sales rendered,

41,710

By cash advanced him out of the money deposited in Bank, as per account No. 2, & check on Bank No. 4, By Cash paid Henry Darnell out of the same fund, see check on the bank No. 2, which was deducted from his account No. 10, for \$353 75, when the balance was paid by the agent,

500

By cash paid Judge Berrien as counsel for the state, see check on the Bank No. 1, and his receipt No. 13,

500

By cash paid Thomas Wiley for transportation of Negroes from Darien, as per receipt No. 8, and check on Bank No. 3,

50

By cash paid Edward Cary for advances made by him to Henry Darnell, for the subsistence of the Africans, as per Darnell's receipts Nos. 10 and 11, see check on Bank No. 5,

40

By cash paid him on a final settlement of his accounts as per check on the Bank No. 8, and his account No. 4,

963 61½

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\$45,768 61½

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EXECUTIVE DEPARTMENT, GEORGIA, }  
*Milledgeville, 10th Nov. 1823.*

ELISHA WOOD, Secretary.

Which were severally read and ordered to lie on the table.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have concurred in the resolution of senate relative to the election of the next chief magistrate of the United States.

In the report of the joint committee on the judiciary relative to the expediency of appointing some fit and proper person to compile and digest the statutes of England that are in force in the state of Georgia.

They have agreed to a resolution appointing William Schley as a fit and proper person to digest and compile the statute laws of England of force in this country.

And a resolution requesting his excellency the Governor to have certain repairs made in the representative hall.

To which they desire concurrence.

They have passed the following bills, to wit :

A bill to be entitled an act to vest in the mayor and aldermen of the city of Savannah the right to appoint the health officer for the port of Savannah, and to regulate the compensation to be allowed the said health officer and the harbor master of said port for their services, and to repeal the several laws imposing a duty on tonnage in the river, and harbor of Savannah, and to appropriate the funds unexpended in the hands of the commissioners heretofore authorised to receive the same.

A bill to be entitled an act to establish a ferry on Flint river, on fraction No. 242, in the 15th district of Houston county, and a ferry on fraction No. 216, in the first district of Dooley county and to establish certain ferries therein mentioned.

A bill to be entitled an act to cause all appeals from the courts of ordinary of this state, to be tried and determined by a special jury of the county where the case may happen, touching the probate of wills and granting letters of administration in which matters of fact are involved, instead of a decision being had thereon by the court only.

A bill to be entitled an act to define the line between the counties of Morgan and Newton, and to add a part of the former to the latter.

A bill to be entitled an act for the relief of Baxter Davis.

And a bill to be entitled an act to organize the county of Decatur, and to appoint commissioners to select a temporary public site.

The house still adhere to their substitute to the bill to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county.

And he withdrew.

The senate took up the message from the house of representatives and unanimously concurred in the resolution appointing William Schley to arrange and digest the English statutes that are now of force in this state.

And the resolution requesting his excellency the Governor to cause be made such alterations and improvements in the seats of the speaker and clerk of the house of representatives, as may make them correspond with the general character of the hall and the furniture thereof, was amended to read as follows, and agreed to.

*Resolved*, That the Governor be and he is hereby requested during the ensuing summer to cause to be made such alterations and improvements in the seats of the speaker and clerk of the house, as may make them correspond with the general character of the hall and the furniture thereof, and to arrange the seats of the members in such manner as to make them more commodious.

And the several bills therein contained were read the first time.

The senate took up the subject matter of disagreement on the bill to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county—and,

*Resolved*, That the senate adhere to their original bill, and request committee of conference.

*Ordered*, That messrs. Mangham, Powell and Jones of Baldwin, be committee of conference on part of senate.

The following bills were severally read the third time and passed, wit :

A bill to be entitled an act to authorise Littleberry Richardson to establish a ferry on Flint river on his own land, in the 16th district of Dooly county on fraction No. 148.

A bill to be entitled an act to make all cases returned at the last Superior court in the county of Elbert, stand for trial at the next Superior court.

A bill to be entitled an act to amend an act entitled an act to establish a ferry across the Ocmulgee river at the west end of Liberty street in the town of Hartford, Pulaski county, and to vest the same in the Inferior court of said county, for county purposes.

A bill to be entitled an act to authorise the jailor of McIntosh county to refuse to receive prisoners from other counties in certain cases.

A bill to be entitled an act to authorise the Inferior court of the county of Baldwin, to levy an extra tax for county purposes.

A bill to be entitled an act to relieve the inhabitants on the South and North side of the Great Satilla, and the inhabitants on the North side of Crooked river, from working on the main post road or performing duty thereon for the term of one year, and appoint commissioners to compel the inhabitants to do duty on the roads herein named.

A bill to entitled an act to alter and amend an act entitled an act to amend an act entitled an act to alter and amend an act to empower the justices of the Inferior courts of the several counties within the State, to order the laying out the public roads, and to order the building and keeping in repair the public bridges, so far as relates to the counties of Chatham, Liberty, Bryan, McIntosh Glynn and Camden, passed Dec. 10th 1813.

The bill to be entitled an act to alter and amend an act passed 26th Dec. 1821, so far as to reduce the price of ferriage across the Ocmulgee river at Macon—was read the third time.

And on the question " Shall this bill now pass ?" it was determined in the negative.

And the yeas and nays being required are—yeas 5, nays 42.

Those in the affirmative are,

Messrs.

Blackstone  
Bullock

Philips of Jones  
Powell

Wimberly

Those in the negative are,

Messrs.

Allen of Burke  
Allen of Elbert  
Baker  
Barnett  
Beall  
Blackshear  
Brown of Camden  
Brown of Hancock  
Burney  
Cleveland  
Cook  
Crawford  
Gamble  
Garrison

Glenn  
Groves  
Harper  
Holt  
Jones of Baldwin  
Joice  
Lamkin  
Lockheart of Bulloch  
Lockheart of Warren  
Mangham  
Mann  
Maxwell  
McKinne  
McCrimmon

Miller  
Montgomery of Jackson  
Powers  
Robinson  
Sellers  
Sterling  
Strawn  
Swain  
Swilley  
Tippins  
Walker  
Worthy  
Wilborn  
Wooten

The senate resolved itself into committee of the whole on the bill to be entitled an act to create a board of public works and to define their duties, mr. Groves in the chair.

The president resumed the chair, and mr. Groves reported progress and had leave to sit again

Ordered, That said bill be the order of the day for to-morrow.

The senate resolved itself into committee of the whole on the bill to be entitled an act the more effectually to provide for the punishment of slaves capitally and making compensation to the owners of the same, mr. Maxwell in the chair.

The president resumed the chair, and mr. Maxwell reported they had disagreed to the bill.

The senate took up and agreed to the report.

The senate resolved itself into committee of the whole, on the bill to be entitled an act more effectually to protect the interests of parties plaintiffs in suits against joint, or joint and several obligors and promissors, Mr. Cleveland in the chair.

The president resumed the chair, and mr. Cleveland reported they had gone through the bill with amendments.

The senate took up and agreed to the report.

and the caption being amended, the bill was read the third time passed under the title of bill to be entitled an act more effectually to protect the interests of parties plaintiffs in suits against joint obligors and promissors.

The senate resolved itself into committee of the whole on the bill entitled an act for the relief of honest debtors, Mr. Walker in chair.

Mr. president resumed the chair, and Mr. Walker reported the bill with an amendment.

The senate took up the report—and,

on motion of Mr. Gamble,

to amend the report by inserting after the words "*Capias ad satisfaciendum*," in the 6th line of the first section, the words "which shall be issued on judgments founded on contracts made after the passage of this act."

and on the question to agree to the amendment it was determined in the negative.

and the yeas and nays being required are—yeas 12, nays 39.

Those in the affirmative are,

Members.

Mr. Crawford	Montgomery of Jackson
Mr. Gamble	Powers
Mr. Harper	Sterling
Mr. Jones of Baldwin	Wimberly

Those in the negative are,

Members.

Mr. Groves	Phillips of Walton
Mr. Holt	Powell
Mr. Joice	Robinson
Mr. Lamkin	Sellers
Mr. Lockheart of Bulloch	Sheffield
Mr. Lockheart of Warren	Strawn
Mr. Mangham	Swain
Mr. Mann	Swilley
Mr. Maxwell	Tippins
Mr. McKinne	Walker
Mr. McCrimmon	Worthy
Mr. Miller	Wilborn
Mr. Phillips of Jones	Wooten

Mr. Jones of Baldwin, then moved to amend the report, by striking out the 4th section the word "the" before the word "creditors," and to insert in lieu thereof "his," and to strike out "at whose instance or they may have been arrested."

and on the question to agree to the amendment, it was determined in the negative.

And the yeas and nays being required are—yeas 12, nays 88:

Those in the affirmative are,  
Messrs.

Beall	Crawford	Jones of Baldwin
Blackshear	Gamble	Montgomery of Jackson
Brown of Hancock	Harper	Powers
Burney	Holt	Wimberly

Those in the negative are,  
Messrs.

Allen of Burke	Groves	Robinson
Allen of Elbert	Joice	Sellers
Baker	Lamkin	Sheffield
Blackstone	Lockheart of Bulloch	Sterling
Berrien	Lockheart of Warren	Strawn
Bonner	Mann	Swain
Brown of Camden	Maxwell	Swilley
Bullock	McKinne	Tippins
Cleveland	McCrimmon	Walker
Coffee	Miller	Worthy
Cook	Phillips of Jones	Wilborn
Garrison	Phillips of Walton	Wooten
Glenn	Powell	

The report being gone through was agreed to—and the bill read the third time.

And on the question “Shall this bill now pass?” it was determined in the affirmative.

And the yeas and nays being required, are—yeas 42, nays 7.

Those in the affirmative are,  
Messrs.

Allen of Burke	Groves	Powell
Allen of Elbert	Harper	Powers
Baker	Holt	Robinson
Beall	Joice	Sellers
Blackstone	Lockheart of Bulloch	Sheffield
Berrien	Lockheart of Warren	Sterling
Bonner	Mangham	Strawn
Brown of Camden	Mann	Swain
Bullock	Maxwell	Swilley
Burney	McKinne	Tippins
Cleveland	McCrimmon	Walker
Coffee	Miller	Worthy
Cook	Phillips of Jones	Wilborn
Garrison	Phillips of Walton	Wooten
Glenn		

Those in the negative, are,  
Messrs.

Blackshear

Brown of Hancock  
Crawford

Gamble

Jones of Baldwin

Montgomery of Jackson  
Wimberly

The following written communication was brought from his excellency the Governor by his secretary Mr. Wood, to wit :

EXECUTIVE DEPARTMENT, GEORGIA }  
*Milledgeville, 16th Dec. 1823. }*

Having been made the instrument of conveying to you the accompanying document transmitted to me by Governor Carroll of Tennessee, at the request of the legislature of that state, I would cheerfully have submitted it to you without comment, but as forbearance in this respect might be construed into an approval on my part of any thing contained in it, I do not hesitate to lay before you the crude suggestions to which it has given rise, trusting that they will be regarded with all the indulgence to which good intentions may entitle them.

This paper purports to be a formal act of the legislature of Tennessee, and its object the denunciation of what it pleases to call a caucus, which may possibly be held at the city of Washington by members of Congress for certain purposes.

What precise and definite meaning the legislature of Tennessee designed to attach to the word caucus, I cannot conceive. It is not an English word. It is not to be found in our dictionary, and being an uncouth word, and of harsh sound, I hope never will. It is not to be found in either the constitution or laws of Tennessee, and being a mere abstract conception, cannot become a subject of legislation at all. The paper evidently refers to a contemplated meeting of members of Congress to influence a decision on a certain question. Can any act of the legislature of Tennessee affect the persons of members of Congress or others at the city of Washington? *There* it has no more jurisdiction than it has beyond sea. Members of Congress like all other officers of government, stand in two relations to society, the one public, the other private. They forfeit nothing of their rights as individuals by assuming public duties, and the most arbitrary despotism could not prevent their assembly for purposes not expressly inhibited by the laws. Such an assembly for convivial or social purposes might intermingle with its amusements the gravest discussions, and among these the very question, the discussion of which by that assembly, the legislature of Tennessee so ardently denounces; it would give to itself a name other than that of caucus, and then the vain unprofitable resolution of the legislature of Tennessee would not have even a shadow on which to fix itself.

It is thus that legislatures on the eve of great elections, stepping aside from their legitimate province, enter the field of contention, inflame the angry passions, making contention more fierce and the tumult more boisterous, and it is thus that instead of seeing a great and wise people moving with calmness and deliberation to the election of their first magistrate, the political arena presents a scene, where, as in the turbulent days of Rome, the bitterest feelings of human nature



are in conflict, which from idle agitations grow into tempest, and when they do no worse make us discontented with ourselves, and bring representative government into disrepute every where.

**G. M. TROUP.**

Which was read.

And the accompanying documents being read, on motion to lay the documents on the table the balance of the session, it was determined in the affirmative.

And the yeas and nays being required are—yeas 33, nays 17.

Those in the affirmative are,

Messrs.

Allen of Burke	Crawford	McKinne
Allen of Elbert	Gamble	McCrimmon
Baker	Groves	Miller
Beall	Harper	Montgomery of Jackson
Blackshear	Helt	Powell
Berrien	Jones of Baldwin	Powers
Bonner	Lamkin	Sheffield
Brown of Camden	Lockheart of Warren	Sterling
Brown of Hancock	Mangham	Tippins
Bullock	Mann	Walker
Cook	Maxwell	Wimberly

Those in the negative are,

Messrs.

Blackstone	Joice	Strawn
Burney	Lockheart of Bulloch	Swain
Cleveland	Phillips of Jones	Swilley
Coffee	Phillips of Walton	Worthy
Garrison	Robinson	Wilborn
Glenn	Sellers	

The following communication was also brought from his excellency the Governor by his secretary Mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
*Milledgeville, 16th Dec. 1823.* }

In compliance with the request of the senate I lay before them the original papers exhibiting the terms of the contract entered into with the steam-boat company, and ask the favour of the senate, to cause them to be safely returned.

**G. M. TROUP.**

Which was read and ordered to lie on the table.

Mr. Brown of Camden, from the committee of enrollment, reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, to wit :

An act to add a part of the county of Franklin to the county of Madison.

An act to alter and amend the second section of the second article of the constitution of the state of Georgia.

An act to change the names of Young G. W. Fickling and Caroline S. Fickling, to Young G. W. Burk and Caroline S. Burk.

An act to divorce and separate John Crow and Nancy his wife.

An act to alter and amend an act more effectually to define the duties of the adjutant general, division and brigade inspectors, and to regulate their pay, &c. passed the 23d Dec. 1822.

An act to vacate the seats of members of the board of trustees of the University of Georgia in certain cases.

An act to divorce and separate Levina Cheek and William Cheek her husband.

An act to make permanent the site for the public buildings in the county of Henry, and to incorporate the village thereof under the name of McDonough.

An act to separate and divorce Jane Harrel and James Harrel her husband.

Which were presented to and severally signed by the president of senate.

Ordered, That the committee on enrollment do carry said acts to his excellency the Governor for his revision.

On motion,

The honourable senator from the county of Rabun, had leave of absence after to-day until Friday next.

The senate adjourned until 3 o'clock P. M. this day.

*Three o'clock, P. M.*

The senate met pursuant to adjournment.

A message from the house of representatives by mr. Dawson their clerk.

*Mr. President,*

I am directed to inform the senate that the house of representatives are now ready to receive them in the representative chamber to proceed to the election of bank directors, and a judge of the court of common pleas and oyer and terminer for the city of Savannah, agreeably to a concurred resolution.

And he withdrew.

Whereupon the president and members of senate repaired to the chamber of the house of representatives, and being seated, both branches of the general assembly proceeded by joint ballot to the election of six directors of the bank of the state of Georgia, on the part of the state.

And on counting out the votes, it appeared that Wm. B. Bulloch, Abram B. Fannin, George Schley, Charles Harris, Michael Brown, and Joseph B. Herbert, Esqs. were duly elected.

They proceeded in like manner to the choice of five directors on the part of the state, for the bank of Darien.

And on counting out the votes it appeared that Thomas Spalding, Allen B. Powell, James Troup, Geo. Atkinson, and James Dunwoody, Esqs. were duly elected.

They proceeded in like manner to the choice of two directors on the part of the state, for the Planters' bank.

And on counting out the votes, it appeared that Calvin Baker and John P. Williams, Esqs. were duly elected.

They then proceeded to the election of a judge of the court of common pleas and of oyer and terminer for the city of Savannah.

And on counting out the votes, it appeared that John C. Nichol, Esq. was duly elected.

The senate returned to their chamber, and adjourned until to-morrow morning, 10 o'clock.

*WEDNESDAY, 17th Dec. 1823.*

On motion of Mr. Powell,

The honourable member from the county of Chatham, had leave of absence after Friday next, for the balance of the session.

On motion of Mr. Crawford,

*Resolved*, That his excellency the Governor be requested to appoint one or more fit and proper person or persons to enquire into and examine into the state and condition of 5 or 600 stand of arms, the property of the state at this time, and for some years past has been deposited in the United States' arsenal near the city of Augusta, with a request that such person or persons so appointed by the executive, shall as soon as the same can be conveniently done, report the same to the executive department.

*It is further resolved*, That his excellency the Governor be requested to cause such public arms to be reported to him, to be removed to one of the arsenals of this state, and to cause the same, or such as can be made useful, to be cleaned and repaired; and that his excellency the Governor be further requested to have collected and deposited in one of the arsenals of this state, all public arms that have been heretofore distributed amongst the militia of this state.

Which was read and laid on the table.

Mr. Berrien called up the resolution proposing an amendment to the constitution of the United States—which was read and agreed to.

The senate took up the report of the joint select committee to whom was referred the memorials of the citizens of Savannah, Augusta and Darien—and,

The resolution to release the steam boat company from the debt due the state, was read, and the following offered as a substitute by Mr. Berrien :

*Resolved*, That his excellency the Governor be requested to ascertain from the steam boat company of Georgia, the lowest terms on which the said company will surrender its charter to the state, and that he be further requested to communicate the result together with such information as he may be able to obtain, tending to show the expediency or in expediency of the states making the said purchase to the next legislature.—which was read and agreed to.

And the resolution regulating the mode of weighing and marking cotton, was read, and the following offered by Mr. Allen of Elbert, as an amendment, to wit :

*Resolved*, That it is expedient to provide by law that each bale of cotton offered for sale, shall be marked in plain letters with the name and place of residence of the owner, of the machine at which the cotton was picked, and to provide for the punishment of frauds in packing cotton—which was read and agreed to.

And the resolution to make free the bridge opposite Augusta across the Savannah river, was read and ordered to lie on the table the balance of the session.

The senate took up the report of the joint committee on finance, which was read, and Mr. Lockhart of Bulloch moved to strike out of the report so much as relates to the payment of Col. Blair's claim by the late Governor.

And on the question to strike out it was determined in the negative.

And the yeas and nays being required are—yeas 23, nays 27.

Those in the affirmative are,

Messrs.

Blackstone

Bonner

Brown of Camden

Burney

Cleveland

Coffee

Glenn

Harper

Jaice

Lamkin	Sellers	Watson
Lockheart of Bulloch	Strawn	Worthy
Phillips of Jones	Swain	Wilborn
Philips of Walton	Swilley	Wooten
Robinson	Walker	

These in the negative are,  
Messrs.

Allen of Burke	Cook	McKinne
Allen of Elbert	Crawford	McCrimmon
Baker	Gamble	Montgomery of Jackson
Barnett	Garrison	Powell
Beall	Groves	Powers
Blackshear	Holt	Sheffield
Berrien	Lockheart of Warren	Sterling
Brown of Hancock	Mann	Tippins
Bullock	Maxwell	Wimberly

Mr. Lockhart then moved to strike out so much of the report as relates to the warrant drawn in favor of Duncan G. Campbell and Samuel Rockwell, Esqs.

And on the question to strike out, it was determined in the negative.

And the yeas and nays being required are—yeas 23, nays 27.

Those in the affirmative are,  
Messrs.

Beall	Glenn	Strawn
Blackstone	Joice	Swain
Bonner	Lamkin	Swilley
Brown of Camden	Lockheart of Bulloch	Watson
Burney	McKinne	Worthy
Cleveland	Phillips of Jones	Wilborn
Coffee	Robinson	Wooten
Garrison	Sellers	

Those in the negative are,  
Messrs.

Allen of Burke	Crawford	McCrimmon
Allen of Elbert	Gamble	Montgomery of Jackson
Baker	Harper	Powell
Barnett	Holt	Powers
Blackshear	Jones of Baldwin	Sheffield
Berrien	Lockheart of Warren	Sterling
Brown of Hancock	Mangham	Tippins
Bullock	Mann	Walker
Cook	Maxwell	Wimberly

On motion,

The report was so far amended as to strike out the name of Holland McTyre as a defaulting tax collector for the county of Richmond for the year 1810, as appears on the report of the comptroller-general.

And the report having been gone through without further amendment, was agreed to.

Ordered, That 300 copies of said report be printed for the use of the members of the legislature.

The senate again resolved itself into committee of the whole, Mr. Groves in the chair, on the bill to be entitled an act to create a board of public works, and to define their duties.

The president resumed the chair, and Mr. Groves reported the further consideration of said bill to the attention of the next legislature. The senate took up and agreed to the report.

A message from his excellency the Governor, by his secretary Mr. Wood.

*Mr. President,*

His excellency the governor has assented to and signed the following acts :

An act to alter and amend the second section of the second article of the constitution of the state of Georgia—and,

An act to make permanent the site for the public buildings in the county of Henry, and to incorporate the village thereof under the name of McDonough.

Ordered, That the committee of enrollment do carry said acts to the secretary of state's office and see the great seal of the state affixed thereto.

The following bills were taken up, read the second time, and ordered for a third reading :

A bill to be entitled an act to define the line between the counties of Morgan and Newton, and to add a part of the former to the latter.

A bill to be entitled an act to vest in the mayor and aldermen of the city of Savannah the right to appoint the health officer for the port of Savannah, and to regulate the compensation to be allowed the said health officer and the harbor master of said port for their services, and to repeal the several laws imposing a duty on tonnage in the river, and harbor of Savannah, and to appropriate the funds unexpended in the hands of the commissioners hereinafter authorised to receive the same.—and,

And a bill to be entitled an act to organize the county of Decatur, and to appoint commissioners to select a temporary public site for the county of Early.

The following bills were severally read the second time and ordered for committee of the whole, to wit :

A bill to be entitled an act to establish a ferry on Flint river, on fraction No. 242, in the 15th district of Houston county, and a ferry on fraction No. 216, in the first district of Dooley county and to establish certain ferries therein mentioned.

A bill to be entitled an act for the relief of Baxter Davis.—and,

A bill to be entitled an act to cause all appeals from the courts of ordinary of this state, to be tried and determined by a special jury of

the county where the case may happen, touching the probate of wills, and granting letters of administration in which matters of fact are involved, instead of a decision being had thereon by the court only.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to amend the ninth section of the 3d article of the constitution of this state, mr. Burney in the chair.

The President resumed the chair, and mr. Burney reported they gone through the bill without amendment.

The senate took up the report which was agreed to.

And on the question "shall this bill pass?" the yeas and nays being required, are—yeas 29, 19.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Baldwin	Robinson
Baker	Lamkin	Strawn
Barnett	Lockheart of Bulloch	Swain
Bullock	Lockheart of Warren	Swilley
Burney	Mann	Tippins
Cook	Maxwell	Walker
Crawford	McCrimmon	Watson
Gamble	Philips of Walton	Worthy
Harper	Powell	Wilborn
Holt	Powers	

Those in the negative are,

Messrs.

Allen of Burke	Cleveland	Philips of Jones
Beall	Garrison	Sellers
Blackshear	Glenn	Sheffield
Blackstone	Groves	Sterling
Berrien	McKinne	Wimberly
Brown of Camden	Montgomery of Jackson	Wooten
Brown of Hancock		

There not being a constitutional majority, the bill was rejected.

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend and explain an act to vest the appointment of commissioners of academies, vendue masters, notaries public and lumber measurers in certain persons therein mentioned, passed 18th Dec. 1816, mr. Gamble in the chair.

The president resumed the chair, and mr. Gamble reported they had gone through the bill with an amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to sell and dispose of so much of the banks of the Ocmulgee river opposite Bridge street at the town of Macon, Bibb county, as may be necessary to erect a bridge across the said river. mr. Holt in the chair.

The president resumed the chair, and mr. Holt reported they had gone through the bill without amendments.

The senate took up the report, which was disagreed to, and the bill lost.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to establish a ferry on Flint river on fraction 229, in the 15th district of Dooly county, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported they had gone through the bill without amendment.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act for the relief of that portion of the inhabitants of Richmond county, who reside or own property within three miles of the city of Augusta, and without the corporate limits of said city, mr. Gamble in the chair.

The president resumed the chair, and mr. Gamble reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to appoint commissioners and appropriate a sum of money to erect a bridge over the lagoons at the Alatamaha river, mr. Bonner in the chair.

The president resumed the chair, and mr. Bonner reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And on the question "Shall this bill now pass?" it was determined in the affirmative.

And the yeas and nays being required, are—yeas 32, nays 18.

Those in the affirmative are,

Messrs.

Allen of Burke

Allen of Elbert

Baker

Blackshear

Blackstone

Berrien

Bonner

Brown of Camden

Bullock

Crawford

Proves

Holt

Jones of Baldwin

Jones of Newton

Lamkin

Mangham

Mann

Maxwell

McKinne

McCrimmon

Montgomery of DeKalb

Philips of Jones

Powell

Powers

Robinson

Sheffield

Sterling

Swilley

Tippins

Walker

Wimberly

Wooten

Those in the negative are,

Messrs.

Barnett

Beall

Brown of Hancock

Burney

Cleveland

Gamble



Garrison  
Glenn  
Harper  
Joice

Lockhart of Bulloch    Strawn  
Lockhart of Warren    Watson  
Montgomery of Jackson    Worthy  
Sellers                      Wilborn

Mr. Jones of Baldwin, offered the following resolution :

Whereas a law was passed on the 22d of Dec. 1820, for the appointment of a topographical and civil engineer, with a salary of three thousand dollars—And whereas the executive has been unable to employ a fit and competent person for that office, and it is believed from the inadequacy of the salary—and it is of vital importance to the people of this state that such an appointment should be made.

On motion,

*Resolved*, That his excellency the Governor be and he is hereby authorised to appoint some fit and proper person to fill said office, and that he be authorised to allow him for his services the sum of \$5000 per annum, to be paid quarterly.

Which was read and ordered to lie on the table.

The senate adjourned until 3 o'clock this evening.

*Three o'clock, P. M.*

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend the seventh section of an act entitled an act to amend an act entitled an act to revise and amend the judiciary system of this state, passed the 10th February 1799, and to provide for the opening the several courts of ordinary in this state in certain cases, mr. Bonner in the chair.

The president resumed the chair, and mr. Bonner reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And the bill was read the third time and passed

The senate resolved itself into committee of the whole, on the bill to be entitled an act to alter and amend the 1st, and repeal the 2d section of an act entitled an act to regulate the rates of tavern licences in this state, passed the 15th of December, 1809, mr. Powers in the chair.

The president resumed the chair, and mr. Powers reported they had disagreed to the bill.

The senate took up the report which was agreed to.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to establish an office for recording births in the respective counties of the state, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported they had gone through the bill without amendments.

The senate took up the report which was agreed to.  
And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend an act to incorporate the Washington turnpike company, mr. McKinne in the chair.

The president resumed the chair, and mr. McKinne reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.  
And the bill was read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to separate and divorce Robert Chandler and Jane his wife, mr. Sellers in the chair.

The president resumed the chair, and mr. Sellers reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And the bill read the third time—

And on the question, "shall this bill pass?" it was determined in the affirmative.—Yeas 31, nays 14.

Those in the affirmative are,

Messrs.

Allen of Elbert	Jones of Baldwin	Sterling
Beall	Jones of Newton	Strawn
Bonner	Lockheart of Bulloch	Swilley
Brown of Camden	Mann	Tippins
Brown of Hancock	McKinne	Walker
Bullock	Montgomery of DeKalb	Watson
Burney	Philips of Jones	Wilborn
Coffee	Philips of Walton	Wimberly
Gamble	Powell	Wooten
Groves	Powers	
Harper	Robinson	

Those in the negative are,

Messrs.

Allen of Burke	Cook	Lockheart of Warren
Barnett	Crawford	Maxwell
Blackshear	Garrison	Montgomery of Jackson
Berrien	Glenn	Sellers
Cleveland	Holt	

The senate took up the report of the committee of the whole on the bill to be entitled an act to lay off the county of Telfair into election districts.

Which was amended and agreed to.

And the bill read the third time and passed under the title of  
 A bill to be entitled an act to lay off the counties of Telfair Early  
 and Appling into election districts.

The senate resolved itself into committee of the whole, on the bill  
 to be entitled an act to ratify the proposed convention between the  
 states of South Carolina and Georgia, relative to the Savannah and  
 Tugalo rivers, mr. Groves in the chair.

The president resumed the chair, and mr. Groves reported they had  
 gone through the bill with an amendment.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

On motion of mr. Jones,

*Resolved*, That the secretary shall carry all bills and resolutions  
 which may pass this house, to the other in the same day they are pass-  
 ed unless specially ordered to the contrary.

Mr. Berrien from the joint judiciary committee made the following  
 reports, which were severally read and agreed to.

The joint committee to whom was referred reference No. 19, Re-  
 port—

That in their opinion it is inexpedient to pass any law changing the  
 the limitation of returns of fraudulent draws in the land lotteries as  
 now regulated by the act establishing the said lotteries.

The committee to whom was referred reference No. 2, Report—

That the object of that reference is fully accomplished in an act  
 passed during the present session, entitled an act to authorise the ad-  
 journment of the Superior and Inferior courts and courts of Ordinary  
 in certain cases by the officers therein named, so that in the opinion  
 of your committee no further legislation is at this time necessary on  
 this subject.

Mr. Gamble from the committee on public education and free schools  
 made the following Report.

The joint committee to whom was referred that part of the docu-  
 ments accompanying the communication of his excellency the Gov-  
 ernor which relates to the appropriation of the public lands by the  
 Congress of the United States for the purpose of education, beg leave  
 to Report—

That they have had the same under consideration, and on examina-  
 tion find the same subject was laid before the legislature of this state  
 in the year 1821. The opinions then expressed on the subject are be-  
 fore the public, and correspond with the sentiments of your committee  
 which they believe unnecessary to reiterate.

*Be it therefore resolved*, That the committee be discharged from  
 the further consideration of the subject.

Which was read and agreed to.

- - -

The following messages were received from the house of representatives by their clerk, mr. Dawson.

*Mr. President,*

The house of representatives have agreed to the amendments of senate to the following bills, to wit :

A bill to be entitled an act for the relief of honest debtors.

A bill to be entitled an act more effectually to protect the interests of parties plaintiffs in suits against joint obligors and promissors.

A bill to be entitled an act authorising all grants under the signature of Simon Whitaker as secretary of state, to be held and read as evidence in any court of justice in this state, &c.

A bill to be entitled an act to legalise the sheriff's sales of Hancock county.—and,

A bill to be entitled an act to incorporate Philomathia academy in the county of Elbert.

The house of representatives have added a committee on their part, to join the one already appointed on the part of senate, to take into consideration the subject matter of difference between the two houses in relation to the bill to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county.

The house have passed a bill to be entitled an act to alter and change the time of holding the Superior courts in the Ocmulgee and Eastern circuits of this state.

*Mr. President,*

The house of representatives have passed the following bills, to wit:

A bill to be entitled an act to give to the clerks of the court of Ordinary fees in certain cases, where duties are required but no fees are named by law.

A bill to be entitled an act to repeal a part of an act entitled an act to raise a tax for the support of government for the year 1805, passed Dec. 12th, 1804.

*Mr. President,*

The house of representatives have concurred in the resolution of senate in favor of William Favour.

They have agreed to a resolution appropriating certain monies to the different county academies.

The house of representatives have passed the following bills, to wit.

A bill to be entitled an act to raise a tax for the political year 1824.

A bill to be entitled an act to authorise the city council of Augusta to purchase and make free the bridge across the Savannah river.

A bill to be entitled an act for the relief of Samuel Clarke, of Augusta.

A bill to be entitled an act to grant to the purchaser of lot No. 32 lying in the county of Greene, and known as a part of the University land.

A bill to be entitled an act to incorporate the Mechanic's society of the city of Augusta, and to repeal the act for this purpose, passed 25th Dec. 1794.

A bill to be entitled an act declaring certified copies of official bonds testimony in certain cases.—and

A bill to be entitled an act to appropriate monies for the political year 1824.

The house of representatives have passed the bill from senate to be entitled an act to authorise the commissioners of the town of Milledgeville to convey a lot to each and every religious society of said town for a parsonage lot.

The senate took up the several messages from the house of representatives, and the bills therein contained were read the first time.

The senate adjourned until to-morrow morning 9 o'clock.

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*THURSDAY, 18th Dec. 1823.*

On motion,

The honourable member from the county of Lincoln had leave of absence after Friday next for the balance of the session.

The following bills were severally read the second time, and ordered for a third reading viz.

A bill to be entitled an act to repeal a part of an act to raise a tax for the support of government for the year 1805, passed Dec. 12th 1804.

A bill to be entitled an act to incorporate the Mechanics' Society of the city of Augusta, and to repeal the act for this purpose, passed 25th Dec. 1794.

Mr. Jones of Baldwin, from the committee of conference on the subject of difference on the bill to be entitled an act to authorise the commissioners of Glynn county academy to establish free schools in said county, Report—

That they have had the same under consideration, and recommend that the name of William Hazard be stricken out of the bill passed

by the house of representatives, and that the senate concur in said bill as amended.

Which was read and agreed to.

The following messages were received from the house of representatives by Mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have agreed to the following resolution, to wit :

One relative to certain militia claims for services rendered in the years 1792, '3, '4.

And the house of representatives have passed the following bills, to wit :

A bill to be entitled an act to divorce and separate Martha E. Skelton and John T. Skelton, her husband.

A bill to be entitled an act further to define the duties of comptroller-general and for other purposes.

And a bill to be entitled an act to sell and dispose of forty lots in the town of Macon.

The house of representatives have agreed to the report of the joint committee on the state of the republic, on the subject of post routes in this state.

They have passed the following bills, to wit :

A bill to be entitled an act to regulate the storage and weighing of cotton, and to vest the same in the corporations of Savannah and Augusta.

And a bill to be entitled an act more effectually to secure the property of minors against the mismanagement of their natural guardians by requiring bond and security as in other cases of guardianship of such guardian.

A bill to be entitled an act to compel the judges of the Superior courts of this state to reside within the limits of their respective judicial circuits.

A bill to entitle the incorporated academies in Hancock county to their full dividend of the fund set apart for county academies.

A bill to be entitled an act concerning coroners and inquests.

They have agreed to a resolution expressive of the exclusive right of fisheries vested in the owners of fractions and islands on the Ocmulgee river.

And he withdrew.

The senate took up the several messages and concurred in the report of the committee of the state of the republic on the subject of post routes, &c.

And in the resolution for the employment of an agent to attend to the claims of the militia for the years 1791, '2, and '3.

And the several bills therein contained were read the first time.

Mr. Brown of Camden, from the joint committee on enrollment, reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, to wit:

An act more effectually to protect the interests of parties plaintiffs in suits commenced against joint obligors and promissors.

An act to relieve the inhabitants on the South and North side of the Great Satilla, and the inhabitants on the North side of Crooked river from working on the main post road or performing duty thereon for the term of one year, and appoint commissioners and compel the inhabitants to do duty on the roads herein named.

An act to amend an act entitled an act to establish a ferry across the Ocmulgee river at the west end of Liberty street, in the town of Hartford, Pulaski county, and to vest the same in the Inferior court of said county, for county purposes.

An act to authorise the citizens of Baldwin county, to establish common schools.

An act for the relief of honest debtors.

An act to alter and amend an act entitled an act to amend an act entitled an act to alter and amend an act to empower the justices of the Inferior courts of the several counties within the state, to order the laying out the public roads, and to order the building and keeping in repair the public bridges, so far as relates to the counties of Chatham, Liberty, Bryan, McIntosh Glynn and Camden, passed Dec. 10th 1803.

Which were presented to and severally signed by the president of the senate.

Ordered, That the committee on enrollment do carry said acts to his excellency the Governor for his revision.

The following bills were severally read the second time, and ordered for committee of the whole, to wit:

A bill to entitled an act to authorise the city council of Augusta to raise a fund to purchase and make free the bridge across Savannah river at Augusta, upon the conditions therein mentioned.

A bill to be entitled an act to give to the clerks of the court of ordinary fees in certain cases where duties are required but no fees are named by law.

A bill to be entitled an act to grant to the purchaser of lot No. 32, lying in Greene county and known as a part of the University land.

A bill to be entitled an act to appropriate monies for the political year 1824.

A bill to be entitled an act for the relief of Samuel Clarke of Augusta.

A bill to be entitled an act to raise a tax for the political year 1824.

A bill to be entitled an act declaring certified copies of official bonds as testimony in certain cases.

The following bills were severally read the third time and passed, to wit:

A bill to be entitled an act to vest in the mayor and aldermen of the city of Savannah, the right to appoint the health officer for the

port of Savannah, and to regulate the compensation to be allowed the said health officer and the harbor master of said port for their services, and to repeal the several laws imposing a duty on tonnage in the river and harbour of Savannah, and to appropriate the funds unexpended in the hands of the commissioners therein after authorised to receive the same.

A bill to be entitled an act to organize the county of Decatur, and to appoint commissioners to select a temporary public site for the county of Early.

A bill to be entitled an act to define the line between the counties of Morgan and Newton, and to add a part of the former to the latter

The senate resolved itself into committee of the whole on the bill to be entitled an act to amend an act entitled an act to authorise parties plaintiffs to issue summons of garnishment in certain cases, as in cases of attachment, passed Dec. 23d, 1822, mr. Blackshear in the chair.

The president resumed the chair and mr. Blackshear reported they had gone through the bill with amendments.

The senate took up the report, which was agreed to.

And bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill to be entitled an act to establish a ferry on Flint river on fraction No. 242, in the 15th district of Houston county, and a ferry on fraction No. 216, in the first district of Dooly county, and to establish certain ferries therein mentioned, mr. Wooten in the chair.

The president resumed the chair, and mr. Wooten reported they had gone through the bill with an amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

On motion of mr. Brown of Camden,

*Resolved*, That the hon. Val. Walker, R. S. Gamble, and John W. Burney, be and they are hereby appointed a committee to adjust the accounts of the members and officers of senate of its present session.

And that the hon. Charles Bullock, Seaborn Jones, and William W. Baker, be and they are hereby appointed a committee, to join such as may be appointed on the part of the house of representatives, to see the unfinished business of the general assembly completed, and that they be allowed three days to complete the same, after the adjournment of the legislature.

The senate took up the report of the joint committee on agriculture and internal improvement, relative to the opening of a road from the Alapaha to the Florida line—which was read.

And on the question to strike out of the original report the last resolution therein contained, it was determined in the affirmative.

And the yeas and nays being required, are—yeas 38, nays 10.



Those in the affirmative are,  
Messrs.

Allen of Burke	Glenn	Robinson
Allen of Elbert	Groves	Sellers
Baker	Harper	Strawn
Beall	Holt	Swain
Blackstone	Joice	Swilley
Berrien	Lockheart of Bulloch	Tippins
Bonner	Lockheart of Warren	Walker
Brown of Camden	Mann	Watson
Bullock	McKinne	Worthy
Burney	Montgomery of Jackson	Wilborn
Cleveland	Philips of Jones	Wimberly
Gamble	Phillips of Walton	Wooten
Garrison		

Those in the negative are,  
Messrs.

Barnett	Crawford	McCrimmon
Blackshear	Jones of Baldwin	Powers
Brown of Hancock	Maxwell	Sheffield
Cook		

The report then being amended by inserting the following, in lieu of the resolution stricken out.

*And be it further resolved,* That the aforesaid commissioners be and they are hereby required to report to his excellency the governor within six months from this date, a particular statement of their operations in opening said the said road, exhibiting a general account of the cost of the same, and of the unexpended balance, if any, which remains in their hands, and specifying the amount of each particular disbursement, with such information as may enable the legislature to judge of the work which has been done, the manner in which the same has been done, and the cost of the same, and also to pay over the unexpended balance, if any, in their hands into the treasury of this state.—which was read and agreed to.

The senate took up the report of the joint committee on agriculture and internal improvement, relative to the opening of Tugalo river—which was read and agreed to.

Mr. Allen of Elbert, from the joint committee on agriculture and internal improvement, made the following reports, which were severally read and agreed to, to wit :

The joint committee on agriculture and internal improvement, to whom was referred the report of the commissioners of the Altamaha, have had the same under consideration, and Report—

That it appears by a statement of the commissioners of said river, that they have entered into a contract with major Jacob Wood, to cut a canal from Piney Island to Catfish creek, upon the same terms specified in the contract with major Wood, a copy of which accompanies

this report, and to pay the said Wood the sum of \$10,000, to be paid by instalments, \$4,820 to be paid when the work is commenced, \$2,565 when the work is half completed, \$2,575 when the work is done, which is to be completed in two years from the date of the agreement, which appears to have been entered on the 31st March, 1823.

The commissioners express a desire to have the last appropriation made by the legislature for the purpose of improving the said river, made subject to their order.

Your committee not having any information before them either as to the importance of the canal proposed or the probable expense of the work, are unable to express any opinion upon the subject of the contract made and submitted by the commissioners.

With respect to the last appropriation made by the legislature for the improvement of said river, your committee would state that the law appropriating that money provides specially that the same should not be drawn from the treasury until a contract for the work was made and a certificate from a majority of the commissioners was received, that the work of said contract was completed.

The papers having been submitted to the legislature too late to enable them to pass a law for that purpose, to appropriate the money to meet the wishes of the commissioners—Your committee would recommend the further consideration of the subject to the next legislature.

The joint committee on agriculture and internal improvement to whom was referred the reports of the commissioners of the Oconee river, have had the same under consideration, and Report—

That it appears by the statement of the commissioners of the Oconee river, that their funds now consist of \$10,000 in the stock of the bank of the State of Georgia, 18 negro fellows, \$551 57 cents in notes, accounts, and attorneys receipts, and \$81 50 cash, two flats, with necessary apparatus for cleaning the river.

It is also stated that since the last annual report, the commissioners have paid out for three negro fellows the sum of \$1,750, which has increased their hands to the number before stated.

Capt. Lewis Maddox is stated to be the manager of the hands, and that he commenced his operations on the 12th of May last, at a place called Trammel's ferry on the Oconee, and ascended the same with two flats and necessary apparatus, removing such obstructions as the highest of the waters would admit to Milledgeville, and that on the 20th Sept. descended the river to the said ferry, removing many obstructions, and arrived there on the 2d inst. having cut and removed 4,140 logs from 6 to 12 inches, 2,300 from one to four feet in diameter, and cut those canals across the bends of the river, which has shortened the river several miles, besides clearing out several cuts off.—The time for profitable employment of the hands having ceased, they are hired out as boat hands until the next season.

Upon a review of the state of the funds appropriated for the improvement of the Oconee river, the labor that has been performed, the obstructions that have been removed, and the consequent benefits

to the public in the facilities and safety in the navigation of the river induce your committee to recommend the following resolution :

*Resolved*, That the funds appropriated for the improvement of the navigation of the Oconee river, have been managed by the commissioners with prudence and economy, and that the object for which those funds were set apart has been much promoted by the removal of obstructions, cutting canals, and other work performed upon the river in the last and prior years, and that a steady perseverance in the course adopted by the commissioners, your committee have no doubt that most of the obstructions to the navigation of that important river will be removed.

Mr. Blackshear from the joint committee on the state of the republic made the following report :

The committee on the state of the republic, to whom was referred the communication of his excellency the Governor on the subject of the extinguishment of Indian claims to lands within the territorial limits of Georgia, beg leave to Report—

That they have derived much gratification from the perusal of this interesting document. It presents to them an unequivocal manifestation of the disposition of the executive to sustain the just rights of the state on the important subject of the extension of jurisdictional limits with a firmness which is tempered by discretion, and a zeal which is guided by intelligence—a disposition to which, in the unanimous opinion of this committee, every suggestion of duty, and every feeling of honorable pride on the part of this legislature, will be accordant and responsive.

The committee do not deem it necessary in this report to enter into a minute examination of the luminous exposition of the rights of this state, which is contained in the communication of his excellency the Governor. Adopting it as they do, unanimously, and in its whole extent, they believe they will best perform the duty which is assigned to them by recommending that an address be presented to the President of the United States, based on the principles and fortified by the arguments of this communication.

They ask leave, accordingly, to report the following memorial and resolution :

*To the President of the United States of America.*

The memorial and remonstrance of the senate and house of representatives of the state of Georgia, in general assembly met.

The legislature of Georgia find themselves constrained once more to address the President of the United States on the subject of the extension of their territory, by the extinguishment of the Indian title to the lands situated within the limits of the state. If the reiteration of their remonstrances on this subject shall seem to the chief magistrate of the Union to be importunate, their justification will be found in the deep interest which is felt in it by their constituents—in the

inanswerable justice of their claim—in the long interval which has passed since they were reasonably entitled to expect the accomplishment of an object of such vital importance to Georgia—and in the accumulated and accumulating obstacles which time is interposing to its ultimate fulfilment.

In recurring to the articles of agreement and cession entered into between the commissioners of the United States and of Georgia, on the twenty-fourth day of April, 1802, these memorialists find a stipulation that the United States, shall as soon as may be, extinguish the Indian title to all the lands within the state of Georgia. This stipulation was not gratuitous on the part of the government of the Union, but was in consideration of the surrender, by the state of Georgia, of a territory sufficiently valuable and extensive to constitute two independent and powerful members of the federal compact. The motive to this surrender cannot be misunderstood. In consenting thus to restrict her right of soil and her sovereignty, Georgia looked with the confidence which she has always reposed in the plighted faith of the Union, to the prompt extinguishment of the Indian title to all the land within her remaining limits, and the speedy settlement of her then, and still vacant territory. Limiting her ultimate views of extensive empire, she had hoped by such limitation to escape from the hopelessness of a protracted infancy, and marching in quick time to the accomplishment of her destinies, to have seen her laws and her sovereignty co-extensive with the limits of the territory within which she had consented to confine herself. Twenty-one years have passed away, and she is still destined to experience the disappointment of her hopes. She has witnessed during this period the extension of the Union—the multiplication of the members of the federal republic, by repeated acquisitions of territory, while she is doomed to have a long line of frontier exposed to the predatory incursions of the savage, and the lives of her citizens who dwell there, to his subtle and relentless vengeance.

Such, Sir, is her claim to relief. It seems to these memorialists, that it is too obvious to require farther exposition. Do the United States possess the power to afford it? That the state of Georgia is vested with the ultimate title to all the lands within her territorial limits—that the claim of the Indians is consequently restricted to a mere usufructuary right, are propositions which it is believed can neither be doubted nor denied. The existing state of things must therefore have a termination. The time must come when the soil of Georgia shall no longer be imprinted with the footstep of the savage—when the inhabitants of her border shall no longer be liable to be awakened from their slumbers by the war-whoop of an approaching foe, nor to witness the destruction of their dwellings in the blaze which illumines his retreat—when her sovereignty shall be co extensive with her territory, and the authority and protection of her laws, shall pervade every portion of her empire. Such a state of things must come. It must be produced, too, by the act, and at the expense of the government of the Union, in the fulfilment of her obligation to Georgia. Will delay facilitate its ultimate accomplishment? Will it lessen the expense to be incurred by the United States? Is it required by any rational consideration of humanity towards the Indian

tribes who now roam through the wilderness of our state? It seems to these memorialists that delay can only serve to multiply obstacles to the fulfilment of the engagements of the Union. From causes too obvious to require detail, every day diminishes the disposition of the savage to abandon his accustomed haunts, and consequently increases the price which he will demand for their surrender. No principle of humanity forbids the enforcement of the claim. The exhausted state of the game affords a scanty and precarious subsistence to the hunter, and a dispersed and wandering population are not in a condition to become the objects of the benefits of civilization. Their removal beyond the Mississippi, would give to these sons of nature a wilderness congenial to their feelings and appropriate to their wants, while the region which they would relinquish, would become the abode of civilization, and contribute to the happiness of thousands.

These memorialists have seen with what facility the United States, "blending justice with authority," have been enabled to prescribe to the native tribes inhabiting the contiguous territory of Florida, the limits of their range, and they do not doubt that a similar exercise of a legitimate authority, equally tempered by justice, will suffice to obtain for Georgia all which she desires. They ask, therefore, from the government of the Union, certainly with the respect which they have always felt, and which they have omitted no proper occasion to manifest to the government of their choice, and of their confidence, but at the same time with the earnestness which is authorised by the justice of their claim, and demanded by the necessities of their constituents, that a liberal appropriation be made for the extinguishment of the Indian title to all the remaining lands within the limits of Georgia, and that commissioners may be appointed, with instructions in every event to effect this indispensable object, by a proper representation to the Indian tribes of the just claims of Georgia—of the solemn obligations of the United States—and of the improvement in their own condition, which will result from their acquiescence.

*Resolved*, That a copy of the foregoing memorial and remonstrance be forwarded to the senators and representatives of the state of Georgia, in the Congress of the United States, and that they be requested to use their exertions for the attainment of its object.

Which was read and agreed to unanimously.

On motion of Mr. Jones of Baldwin,

A resolution having passed requiring the executive to furnish copies of Clayton's Georgia Justice to the counties of De Kalb, Fayette, and others, and it being impracticable to comply with such order, from the want of a sufficient number.

On motion,

*Resolved*, That his excellency the Governor be and he is authorised to contract with Seaton Grantland, Esq. to whom the copy right belongs, for printing and furnishing 1000 copies of a new edition of said work; *Provided*, the price shall not exceed four dollars for each copy.

Mr. Crawford called up the resolution of yesterday in relation to public arms of this state, which was read and amended as follows, wit:

*Resolved*, That his excellency the Governor be requested to appoint one or more fit and proper person or persons to enquire into and come into the state and condition of 500 or 600 stand of arms, the property of the state, which at this time and for some years past has been deposited in the United States' arsenal near the city of Augusta, with a request that such person or persons so appointed by the executive, shall as soon as the same can be conveniently done, report the same to the executive department.

*It is further resolved*, That his excellency the Governor be requested to cause such public arms so reported to him, to be removed to one of the arsenals of this state, and to cause the same, (or such as can be made useful,) to be cleaned and repaired; and that his excellency the Governor be further requested to have collected and deposited in one of the arsenals of this state, all public arms that have been heretofore distributed amongst the militia of this state, except those in the hands and possession of volunteer companies in the counties on the sea-board and Indian frontier—and that the brigade inspectors of the different military divisions in the state make report to his excellency the Governor, the number and in whose possession those public arms are in.

The senate took up the report of the joint committee on agriculture and internal improvement, relative to cutting a canal from Altamaha to Turtle river, which was read and agreed to.

The senate took up the report of the committee of the whole on the bill to be entitled an act for the relief of Baxter Davis—which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to vest certain fines in the judges of the Inferior court of Chatham county, Mr. McKinne in the chair.

The president resumed the chair, and Mr. McKinne reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to cause all appeals from the courts of Ordinary of this state, to be tried and determined by a special jury of the county where the case may happen, touching the probate of wills and granting letters of administration in which matters of fact are involved, instead of a decision being had thereon by the court only, Mr. Lockhart of Bulloch in the chair.

The president resumed the chair, and Mr. Lockhart reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to appropriate a part of the proceeds of the public property in the town of Macon, county of Bibb, for the purpose of building a court house and jail for said county, Mr. Powell in the chair.

The president resumed the chair, and Mr. Powell reported the bill had gone through the bill with an amendment.

The senate took up the report which was agreed to.

And on the question "Shall this bill now pass?" the yeas and nays being required are—yeas 29, nays 15.

Those in the affirmative are,

Messrs.

Allen of Burke	Gamble	Robinson
Beall	Glenn	Sterling
Blackstone	Groves	Tippins
Berrien	Holt	Walker
Bonner	Jones of Newton	Watson
Brown of Camden	McKinne	Worthy
Bullock	Montgomery of Jackson	Wilborn
Burney	Phillips of Jones	Wimberly
Cleveland	Powell	Wooten
Crawford	Powers	

Those in the negative, are,

Messrs.

Baker	Jones of Baldwin	Montgomery of DeKal
Barnett	Joice	Phillips of Walton
Blackshear	Lockheart of Bulloch	Sellers
Brown of Hancock	Lockheart of Warren	Strawn
Garrison	Mann	Swilley
Harper	Maxwell	

The president exercised his constitutional privilege, and voted in the affirmative, and the bill passed.

A communication from his excellency the Governor, by his secretary Mr. Wood.

EXECUTIVE DEPARTMENT, GEORGIA, }  
Milledgeville, 18th Dec. 1823. }

The resolution of the legislature of the 18th ult. authorises the executive to furnish a sufficient number of Clayton's Georgia Justice and Prince's Digest to certain officers of several counties therein mentioned. On enquiry I find that no copies of the Georgia justice are to be procured.

A proposition has been made to me by S. Grantland, Esq. to print a new edition of the Justice, if I would subscribe for five hundred or more copies in behalf of the state, and which he would engage to deliver on moderate terms. It remains with you, if you think proper, to give me the necessary power to contract with him.

Signed,

G. M. TROUP.

On motion of Mr. Gamble,  
*Resolved*, That the mileage pay of the senate be calculated according to the distance from this place to their residence in their respective counties.

Mr. Jones of Baldwin, offered the following as an amendment to the resolution:

And that no member shall be allowed pay for the time he is absent from the house on leave of absence.

Which was read and declared out of order by the president, as the same subject had been decided on during the present session of the legislature—and the resolution was agreed to as offered by Mr. Gamble.

The senate adjourned until 3 o'clock P. M.

#### *Thursday Evening, 2 o'clock*

The senate met pursuant to adjournment.

The senate resolved itself into committee of the whole on the bill entitled an act to establish a turnpike across Buffaloe swamp at a place called Cain's bridge, Mr. Jones of Baldwin, in the chair.

The president resumed the chair, and Mr. Jones reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill entitled an act to amend an act incorporating the town of St. Mary's, Mr. Wimberly in the chair.

The president resumed the chair, and Mr. Wimberly reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill entitled an act to carry into effect the 6th section of the 4th article of the constitution, Mr. Blackshear in the chair.

The president resumed the chair, and Mr. Blackshear reported they had gone through the bill without amendment.

The senate took up the report, which was agreed to.

And the bill read the third time and passed.



Mr. Gamble, from the joint committee on public education and free schools, made the following reports—which were read and agreed to viz :

The joint committee on free schools and public education to whom was referred the memorial of the managers of the Augusta free school Report—

That they have had the same under consideration, and are happy to learn that a bill embracing the same matter, and providing for the relief prayed for in said memorial, has been introduced and is now progressing in the representative branch—They therefore pray to be discharged from the further consideration of said memorial.

The committee on free schools and public education to whom was referred a report of the amount received for the Franklin county academy, on the sales of confiscated property by the trustees of said academy, Report—

That they have had the same under consideration, and are of opinion that there is not sufficient evidence of said trustees having used such means for discovering and securing the property so purchased by them, as should authorise a deduction in their favor, and recommend that they should stand charged with the amount of said purchase, agreeable to the laws heretofore passed on the subject.

The joint committee on free schools and public education to whom was referred the petition from the commissioners of the Gwinnet county academy, beg leave to make the following Report—

They have had the same under consideration, and are of opinion that the law providing and appropriating money for the use of county academies is calculated to do equal justice to all the several counties, and as respects the loan prayed for, they are of opinion that the present session is too far advanced to admit of such deliberation as the subject requires—They therefore beg leave to submit the following resolution :

*Resolved*, That it is at present inexpedient to grant the prayer of the petitioners.

Ordered, That the committee be discharged from further duties during the present session.

The senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, 19th Dec. 1823.

On motion of mr. Wooten,

*Resolved*, That the petitioners of the counties of Wilkes, Warren, Greene, Hancock and Oglethorpe praying for a new county have leave to withdraw their petition and accompanying documents.

On motion of mr. Lockheart of Bullock,

*Resolved*, That John Harden, Stephen Swain, George Linder, and Francis Jones be and they are hereby appointed to survey and lay out a road,, the most direct practicable route from Marion Twiggs county, to Jenks' bridge on Ogechee and report the same to his excellency the Governor with such remarks as they may deem necessary that the same may be laid before the next legislature.

Which was read—and

Mr. Crawford offered the following as an amendment :

"And that the justices the Inferior courts of the counties through which the road contemplated is to be laid out, shall pay the commissioners for their services for examining," &c.

And on the question to agree to the amendment it was determined in the negative.

And the yeas and nays being required are—yeas 14, nays 37.

Those in the affirmative are,

Messrs.

Allen of Elbert	Gamble	Mann
Barnett	Harper	Montgomery of DeKalb
Brown of Hancock	Holt	Montgomery of Jackson
Burney	Jones of Baldwin	Sterling
Crawford	Lockheart of Warren	

Those in the negative are,

Messrs.

Allen of Burke	Groves	Powers
Baker	Jones of Newton	Robinson
Beall	Lamkin	Sellers
Blackshear	Lockheart of Bulloch	Strawn
Blackstone	Mangham	Swain
Berrien	Maxwell	Swilley
Bonner	McKinne	Tippins
Brown of Camden	McCrimmon	Walker
Bullock	Miller	Worthy
Cleveland	Phillips of Jones	Wilborn
Cook	Phillips of Walton	Wimberly
Garrison	Powell	Wooten
Glenn		

And on the question to agree to the original resolution it was determined in the affirmative.

And the yeas and nays being called for are—yeas 31, nays 10.

Those in the affirmative are,

Messrs.

Allen of Burke	Glenn	Powell
Baker	Groves	Powers
Blackshear	Jones of Newton	Robinson
Blackstone	Lamkin	Strawn
Berrien	Lockheart of Bulloch	Swilley
Bonner	Mangham	Tippins
Brown of Camden	Maxwell	Walker
Bullock	McKinne	Wilborn
Cleveland	McCrimmon	Wimberly
Cook	Phillips of Jones	Wooten
Garrison		

Those in the negative are,

Messrs.

Allen of Elbert	Gamble	Mann
Barnett	Harper	Miller
Beall	Holt	Montgomery of DeKalt.
Brown of Hancock	Jones of Baldwin	Montgomery of Jackson
Burney	Lockheart of Warren	Sterling
Crawford		

On motion,

The honourable member from the county of Wayne had leave of absence after 10 o'clock to-morrow for the balance of the session.

The following bills were severally read the second time, and ordered for committee of the whole, viz.

A bill to be entitled an act to sell and dispose of forty lots in the town of Macon.

A bill to be entitled an act further to define the duties of comptroller-general and for other purposes.

The bill to be entitled an act to compel the judges of the Superior courts of this state to reside within the limits of their respective judicial circuits, was read and ordered to be committed until June next.

A bill to be entitled an act the more effectually to secure the property of minors against the mismanagement of their natural guardians by requiring bond and security, as in other cases of guardianship, of such guardian.

A bill to be entitled an act to entitle the incorporated academies in Hancock county to their full dividend of the fund set apart for county academies.

The bill to be entitled an act for the relief of Samuel Clark of Augusta, was read the second time and ordered for committee in June next.

The following bills were severally read the second time, and ordered for a third reading, viz.

A bill to be entitled an act to divorce Martha E. Skelton and John T. Skelton her husband.

A bill to be entitled an act to regulate the storage and weighing cotton and to vest the same in the corporations of Savannah and Augusta.

A bill to be entitled an act concerning coroners and inquests.

The following bills were severally read the third time and passed, *in* wit:

A bill to be entitled an act to repeal a part of an act entitled an act to raise a tax for the support of government for the year 1805, passed Dec. 12th 1804.

A bill to be entitled an act to incorporate the Mechanics' Society of the city of Augusta, and to repeal the act for this purpose passed 25th Dec. 1794.

On motion of Mr. Berrien,

*Resolved*, That the secretary of the senate employ a sufficient number of assistants to enroll the bills and other papers, so as to enable the legislature to adjourn on the earliest day possible—and that the legislature pay them a reasonable compensation for the same.

Mr. Blackshear from the joint military committee, Reported :

The joint committee to whom was referred the inspection of the magazine of this state, beg leave to state that they have performed that duty, and find every thing quite to their satisfaction. The improvement made by the present officer, (Mr. Bozeman,) for the preservation of the powder and cartridges is such as must meet the decided appropriation of the joint committee.

Which was read and agreed to.

The joint military committee beg leave further to Report—

That they have carefully examined the state of the arms, accoutrements and ordnance deposited in the arsenal at this place and find that the different articles are kept in complete and soldier-like manner. Your committee would further state, that there has been recently received from the United States a considerable quantity of arms, consisting of 980 muskets and rifles, 592 brace of pistols, 550 swords, all of which articles are deposited in the arsenal.

Your committee would therefore recommend the following resolution.

*Resolved*, That the further sum of        dollars be paid to the military store-keeper at this place in addition to his former pay, for the keeping the before mentioned arms in good repair, and that his excellency pay the sum out of the contingent fund.

Which was read and ordered to lie on the table.

The senate resolved itself into a committee of the whole on the bill to be entitled an act to alter the time of holding the Superior courts in the Ocmulgee and Eastern circuits, Mr. Jones of Newton in the chair.

The president resumed the chair, and mr. Jones reported they had gone through the bill with an amendment.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to appropriate monies for the political year 1824, mr. Montgomery of Jackson in the chair.

The president resumed the chair and mr. Montgomery reported they had gone through the bill with amendments.

The senate took up the report—and,

On motion of mr. Crawford,

To amend the report by striking out “four dollars per day, for the members of the legislature, and four dollars for every twenty miles in coming to, and returning home.”

And on the question to agree it was determined in the negative.

And the yeas and nays being required are—yeas 7, nays 38.

Those in the affirmative are,

Messrs.

Beall	Jones of Baldwin	Powers
Crawford	Powell	Wimberly
Glenn		

Those in the negative are,

Messrs.

Allen of Burke	Garrison	Montgomery of DeKalb
Allen of Elbert	Groves	Montgomery of Jackson
Baker	Holt	Phillips of Jones
Barnett	Jones of Newton	Robinson
Blackshear	Lincoln	Strawn
Blackstone	Lockheart of Bulloch	Swain
Berrien	Lockheart of Warren	Tippins
Bonner	Mangham	Walker
Brown of Camden	Mann	Watson
Brown of Hancock	Maxwell	Worthy
Bullock	McKinne	Wilborn
Burney	McCrimmon	Wooten
Cleveland	Miller	

Mr. Montgomery of Jackson then moved to strike out of the report, the following, viz: “to one messenger to the fraction-selling commissioners, three dollars per day.”

And on the question to agree, it was determined in the affirmative.

And the yeas and nays being required are—yeas 27, nays 17.

Those in the affirmative are,

Messrs.

Allen of Elbert	Beall	Burney
Baker	Bonner	Cleveland
Barnett	Brown of Hancock	Crawford

Garrison	Mann	Powers
Groves	Maxwell	Robinson
Holt	Montgomery of DeKalb	Swilley
Jones of Baldwin	Montgomery of Jackson	Tippins
Lockheart of Bulloch	Phillips of Jones	Wilborn
Lockheart of Warren	Philips of Walton	Wooten

These in the negative are,

Messrs.

Allen of Burke	Glenn	Strawn
Blackshear	Lamkin	Walker
Blackstone	Mangham	Watson
Berrien	McKinne	Worthy
Brown of Camden	McCrimmon	Wimberly
Bullock	Powell	

The report being further amended was agreed to.  
And the bill was read the third time and passed.

The senate then adjourned until half past 3 o'clock this evening.

*Half past 3 o'clock, P. M.*

The senate met pursuant to adjournment.

The senate resolved itself into committee of the whole on the bill be entitled an act to give to the clerks of the court of ordinary fees in certain cases where duties are required but no fees are allowed by law, Mr. Blackstone in the chair.

The president resumed the chair, and Mr. Blackstone reported they had gone through the bill with amendments.

Ordered, that the report lie on the table for the balance of the session.

The senate resolved itself into committee of the whole on the bill be entitled an act to grant indulgence to the purchaser of lot No. 15 lying in the county of Greene, and known as a part of the University land, Mr. Powell in the chair.

The president resumed the chair, and Mr. Powell reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill be entitled an act declaring certified copies of official bonds, testimony in certain cases, Mr. Berrien in the chair.

SEN.

The president resumed the chair, and mr. Berrien reported they had gone through the bill without amendment.

The senate took up the report which was agreed to.  
And the bill read the third time and passed.

The senate resolved itself into committee of the whole on the bill to be entitled an act to raise a tax for the support of government for the political year 1824, mr. Powell in the chair.

The president resumed the chair, and mr. Powell reported they had gone through the bill without amendments.

The senate took up the report,—and,

On motion of mr. Sterling,

To strike out the second section of the report,

And on the question to agree it was determined in the negative.

And the yeas and nays being required, are—yeas 22, nays 27

Those in the affirmative are,

Messrs.

Allen of Burke	Cook	Powers
Allen of Elbert	Crawford	Robinson
Barnett	Groves	Sterling
Blackshear	Jones of Newton	Strawn
Blackstone	Mann	Tippins
Berrien	Miller	Wilborn
Brown of Hancock	Montgomery of Jackson	Wimberly
Bullock		

Those in the negative are,

Messrs.

Baker	Holt	Philips of Jones
Beall	Jones of Baldwin	Phillips of Walton
Bonner	Lankin	Powell
Brown of Camden	Lockhart of Bulloch	Sellers
Gurney	Lockhart of Warren	Swain
Cleveland	Maxwell	Swilley
Gamble	McKinne	Walker
Garrison	McCrimmon	Worthy
Glenn	Montgomery of DeKalb	Wooten

The report was then agreed to.

And the bill read the third time and passed

On motion,

The honourable member from the county of Scriven had leave of absence after 12 o'clock to-morrow for the balance of the session.

On motion,

The honourable member from the county of Oglethorpe had leave of absence after 12 o'clock to-morrow for the balance of the session.

Mr. Brown of Camden, from the committee of enrollment, reported the following acts as signed by the speaker of the house of representatives, to wit:

An act concerning bills of exchange.

An act to vest in the mayor and aldermen of the city of Savannah the right to appoint the health officer for the port of Savannah, and to regulate the compensation to be allowed the said health officer and harbor master of said port for their services, and to repeal the several laws imposing a duty on tonnage in the river and harbor of Savannah, and to appropriate the funds unexpended in the hands of the commissioners heretofore authorised to receive the same.

An act to amend an act entitled an act to incorporate the Washington turnpike company, passed the 24th day of Dec. 1821.

An act to appoint commissioners and appropriate a sum of money to erect a bridge over the lagoons at the Alatomaha river.

An act authorising all grants under the signature of Simon Whitaker as secretary of state, to be held, read and received as evidence in any court of justice in this state, and also the acts of Thomas H. Crawford deputy secretary, or for Abner Hammond secretary of state.

An act to organize the county of Decatur, and to appoint commissioners to select a temporary public site for the county of Early.

An act to vest certain fines in the Inferior court of Chatham county.

An act to establish an office for recording births in the respective counties of the state.

An act to divorce and separate Robert Chandler and Jane his wife.

An act to define the line between the counties of Morgan and Newton, and to add a part of the former to the latter.

An act making all cases returned at the last Superior court in the county of Elbert, stand for trial at the next Superior court.

An act to authorise the Inferior court of Baldwin county, to levy an extra tax for county purposes.

An act to legalise the sheriff's sales of Hancock county.

An act to incorporate Philomathia academy in the county of Elbert, and to appoint other commissioners therein named.

An act for the relief of Baxter Davis.

An act for the relief of that portion of the inhabitants of Richmond county, who reside or own property within three miles of the city of Augusta, and without the corporate limits of said city.

An act to authorise the jailer of McIntosh county to refuse to receive prisoners from other counties in certain cases.

An act to cause all appeals from the courts of ordinary of this state, to be tried and determined by a special jury of the county where the case may happen, touching the probate of wills, and granting letters of administration in which matters of fact are involved, instead of a decision being had thereon by the court only.

Which were presented to and severally signed by the president of the senate.

Ordered, That the committee on enrollment do carry said acts to his excellency the Governor for his revision.

Mr. Brown of Hancock, from the joint committee on finance, made the following report :

The committee on finance, to whom was referred the papers in relation to the accounts of James S Frierson, Esq. agent for renting fractions for the year 1823, have gone through a careful examination of them, and submit the following statement, as a correct account between the said agent and the state of Georgia, by which it will appear that he has accounted for all bonds received by him for that year.



Dr. *James S. Frierson, Esq. Commissioner for renting out the Fractions and public property at Fort Hawkins, for Ca.*  
*the year 1823, in account with the State of Georgia.*

For the amount of the rent of fractions for the year 1823,	\$9,725 30
For the amount of the rent of the public property at Fort Hawkins, for the year 1823,	4,466
	<hr/>
	\$14,191 30

By amount of bonds and notes delivered the treasurer, taken for the rent of fractions in 1823,	\$8,756 55
By amount of bonds delivered the treasurer, taken for the rent of public property in Fort Hawkins in 1823,	3,481
By amount of sundry payments made by him for repairing well on the reserve,	11 37
By his commissions, say 10 per ct. on \$9,725 30,	972 53
Do do 20 do \$4,466,	893 20
By cash paid into the treasury as per comptroller-general's receipts, dated 6th & 17th Dec. 1823,	76 65

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\$14,191 30

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Your committee would further report that in the course of their investigation, it appears that from the time of his appointment Mr. Frierson has held and occupied a house and a few acres of land free of rent, independent of the compensation allowed him by law. From the statements of Mr. Frierson to the committee, it appears that it was his opinion that his occupancy of said house and lands and residence there would conduce to the interests of the state. It further appears that he has made improvements and repairs on said house and lands—Mr. Frierson, however, states that if the legislature think that he ought to pay rent therefor, he is willing to do so. Your committee having received no authority to investigate that subject will not express any opinion, but feel it their duty to state the facts which have been disclosed before them, and submit to the legislature what order they will take thereon.—which was read and agreed to.

The following messages were received from the house of representatives by Mr. Dawson their clerk.

*Mr. President,*

The house of representatives have agreed to the amendments made by senate to the following bills of the house, to wit :

The bill to be entitled an act to amend an act entitled an act to authorise parties plaintiffs to issue summons of garnishment in certain cases as in cases of attachment, passed Dec. 23d, 1822.

The bill to be entitled an act to establish a ferry on Flint river on fraction No. 242, in the 15th district of Houston county, and certain other ferries therein mentioned.

The bill to be entitled an act to ratify the proposed convention between the States of Georgia and South Carolina.

The bill to be entitled an act to amend the judiciary system of this state, passed 16th February, 1799, and to provide for the opening of the several courts of ordinary in this state.

The bill to be entitled an act to appropriate a part of the proceeds of the public property in the town of Macon, Bibb county for the purpose of building a court house and jail in said county.—and,

The bill to be entitled an act to lay off the county of Telfair into election districts.

The house of representatives have passed the following bills of senate, to wit :

A bill to be entitled an act to alter and amend an act passed the 23d Dec. 1822, to distribute the proceeds of the free school fund among the different counties in this state.

A bill to be entitled an act to amend an act to incorporate the town of Marion in the county of Twiggs, and to vest certain powers in the commissioners thereof.

A bill to authorise the justices of the Inferior court of Crawford county to convey to the trustees of the Methodist, Presbyterian and Baptist societies, a lot of land each, for the purpose of erecting buildings thereon for public worship.

A bill to be entitled an act to establish a ferry across the Ocmulgee river.

A bill to be entitled an act to amend an act passed 24th December, 1821, so far as it relates to the counties of Burke, Habersham, and Dooly.

A bill to be entitled an act supplementary to and amendatory of an act entitled an act to amend an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, passed on the 2d day of December 1823.

A bill to be entitled an act to admit Ptolemy T. Harris and Eugene A. Nebit to plead and practise in the several courts of law and equity in this state.

A bill to be entitled an act to authorise certain persons therein described, to plead and practise in the courts of law and equity in this state, on the terms therein mentioned.

A bill to be entitled an act to grant and secure to the commissioners of the incorporation and citizens of the town of Macon, Bibb county, four acres of ground at or near Fort Hawkins for a public burying-ground.

A bill to be entitled an act to separate and divorce William Scott and Mary his wife.

A bill to be entitled an act to separate and divorce Bethenia Fulwood and Andrew Fulwood her husband.

A bill to be entitled an act to divorce and separate Delitha Garner and Richard her husband.

A bill to be entitled an act to amend the third section of an act entitled an act to amend the 26th section of the judiciary act, passed the 16th day of Dec. 1799, and also to prevent the fraudulent enforcement of dormant judgments, with amendment by way of substitute.

A bill to be entitled an act to sell and dispose of the fractional parts of surveys of land which remain unsold in the counties of Walton, Gwinnett, Hall, Habersham and Rabun, with amendments.

A bill to be entitled an act to change the time of holding the Superior and Inferior courts in the Flint circuit.

The house has agreed to a resolution relative to the fund arising from fractions lying between the Oconee and Ocmulgee rivers.

To which they desire concurrence.

*Mr. President,*

The house of representatives have passed the following bills, of senate, to wit :

A bill to be entitled an act to authorise the clerk of the Inferior court of Camden county to pay out of the county funds the sum of two dollars per day to one magistrate or freeholder from each election district of said county for their attendance at the town of Jefferson, and counting up the votes for said county.

A bill to be entitled an act to regulate the mode of taking testimony by commission and de bene esse within this state and to alter and amend the several laws relating thereto.

A bill to be entitled an act to alter the time of holding the first term of the courts of ordinary in certain counties therein mentioned.

A bill to be entitled an act to authorise the judges of the inferior court of Emanuel county, to make rights and titles to the old courthouse and jail.

A bill to be entitled an act to sell and dispose of lots Nos. 10 and 100, reserved in the land lottery act, passed 15th Dec. 1818, for the education of poor children.

A bill to be entitled an act to alter and amend an act for the ordering and governing slaves within this state passed 10th day of May, 1770.

A bill to be entitled an act to amend the estray laws.

A bill to be entitled an act to authorise the commissioners of McIntosh county academy to establish one or more schools for the education of the poor children.

A bill to be entitled an act to incorporate the village of Jacksonborough in the county of Scriven.

A bill to be entitled an act to compel clerks of the Inferior courts to make annual returns of the state of the county funds to the grand juries.

A bill to be entitled an act to incorporate the St. Andrews society in the city of Savannah.

A bill to be entitled an act to alter and amend the first section of an act entitled an act to lay out four new counties from the counties of Houston, Twiggs, Monroe, Jones, Henry, Fayette, and Gwinnett, and to attach the said new counties to the Flint circuit.

A bill to be entitled an act to authorise the justices of the Inferior court of Henry county to convey to the trustees of the Baptist, the Presbyterian and Methodist societies certain lots of land.

A bill to be entitled an act to alter and amend an act entitled an act to authorise the Inferior courts of the counties of Richmond and Jefferson, to adopt such measures in relation to roads, &c. as they may think proper.

A bill to change the name of Farmers' academy in Jones county.

A bill to be entitled an act to alter and amend the militia laws of this state, so far as relates to the first regiment of the militia thereof, and for other purposes.

A bill to be entitled an act to establish and fix the name of the academy at Mount Zion, in the county of Hancock, and to incorporate the trustees thereof.

A bill to be entitled an act to appoint trustees of the Telfair county academy and to incorporate the same.

A bill to be entitled an act to empower sheriffs and coroners to deliver possession of real estate sold by them under executions to the purchaser, his agent or attorney.

A bill to be entitled an act to incorporate the Leaksville academy in Newton county

A bill to be entitled an act to establish a ferry on Flint river on fraction No. 238, in the 15th district of Dooly county.

A bill to be entitled an act to authorise the enforcement of the patrol law in the city of Savannah in certain cases therein mentioned.

And a bill to be entitled an act to authorise the Chatham artillery company to recruit by the admission of members residing within the brigade to which said company is attached, with amendments.

A bill to be entitled an act to authorise the admission of certain documents therein mentioned, as evidence in the several courts of this state.—and,

A bill to be entitled an act to amend an act entitled an act to amend an act to appoint commissioners for the better regulation and government of the town of Milledgeville, passed the 10th day of December, 1812, with amendments.

The senate took up the message and concurred in the several amendments made by the house of representatives to the bills of senate contained in said message.

The senate adjourned until to-morrow morning 9 o'clock.

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*SATURDAY, 20th Dec. 1823.*

On motion of mr. Crawb'd,

Ordered, That so much of the Journal of yesterday as relates to a resolution authorizing the secretary of senate to employ a sufficient number of clerks to enroll the bills, so as to enable the legislature to adjourn at the earliest period possible be reconsidered.

On motion by mr. Jones of Baldwin,

*Resolved*, That the secretary be authorised to employ a sufficient number of clerks to enroll the bills, &c. so as to enable the legislature to adjourn at the earliest period possible, and that his excellency the Governor pay them a reasonable compensation for their services out the contingent fund.—Read and agreed to.

The following bills were severally read the third time and ordered to lie on the table the balance of the session.

A bill to be entitled an act to divorce and separate Martha E. Skelton and John T. Skelton, her husband.

A bill to be entitled an act to regulate the storage and weighing of cotton, and to vest the same in the corporations of Savannah and Augusta.

A bill to be entitled an act concerning coroners and inquests, was read the third time and passed.

A message from the house of representatives by mr. Dawson, their clerk :

*Mr. President,*

The house of representatives have passed a resolution to authorise the inspectors and keepers of the penitentiary to allow two ounces of bread to the convicts, more than has heretofore been allowed. And he withdrew.

The senate resolved itself into committee of the whole, on the bill be entitled an act to entitle the incorporated academies in Hancock county to their full dividend of the fund set apart for county academies, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported they had gone through the bill without amendment.

The senate took up and agreed to the report.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole on the bill be entitled an act to sell and dispose of forty lots in the town of Bacon, mr. Walker in the chair.

The president resumed the chair, and mr. Walker reported they had gone through the bill with amendments.

The senate took up the report which was agreed to.

And the bill was read the third time and passed.

The senate resolved itself into committee of the whole, on the bill be entitled an act the more effectually to secure the property of minors against the mismanagement of their natural guardians by requiring bond and security as in other cases of guardianship of such guardian, mr. Powers in the chair.

The president resumed the chair, and mr. Powers reported they had gone through the bill without amendments.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

The senate resolved itself into committee of the whole, on the bill be entitled an act further to define the duties of comptroller-general and for other purposes, mr. Holt in the chair.

The president resumed the chair, and mr. Holt reported they had gone through the bill without amendments.

The senate took up the report which was agreed to.

And the bill read the third time and passed.

Mr. Bonner from the committee appointed to examine the engrossed journals, made the following Report—

The committee appointed to examine the journals of senate and see that they were correctly engrossed, Report—

That they have examined the same up to the 13th inst. and find them engrossed in a style of neatness and correctness which reflects credit on the engrossing clerk, mr. Michael J. Kenan.

Which was read and agreed to.

The senate took up and concurred in the amendments made by the house of representatives to the bill to be entitled an act to amend the third section of an act entitled an act to amend the 26th section

the judiciary act, passed the 26th day of Dec. 1799, and also to prevent a fraudulent enforcement of dormant judgments, passed the 19th day of Dec. 1822.

The senate took up the resolution appropriating \$2000 out of the sales of fractions for the use of academies.

And on the question to lay the resolution on the table the balance of the session, the yeas and nays being called for, are—yeas 18, nays 18.

Those in the affirmative are,

Messrs.

Allen of Burke	Crawford	McCrimmon
Allen of Elbert	Gamble	Miller
Blackshear	Groves	Montgomery of Jackson
Brown of Hancock	Holt	Robinson
Cleveland	Jones of Baldwin	Wimberly
Cook	Lockheart of Warren	Wooten

Those in the negative are,

Messrs.

Baker	Lamkin	Sellers
Beall	Lockheart of Bulloch	Sterling
Bonner	Mann	Swain
Burney	Montgomery of DeKalb	Walker
Garrison	Philips of Jones	Worthy
Glenn	Phillips of Walton	Wilborn

There being a tie the president exercised the privilege of voting, and voted in the affirmative, and the resolution was lost.

The senate took up the message from the house of representatives and concurred in the resolution authorising the inspectors and keeper of the penitentiary to allow two ounces of flour or bread to the convicts, more than has heretofore been allowed.

The senate took up the report of the military committee, which was read, and the first section agreed to, and the balance of the report was ordered to lie on the table for the balance of the session.

Mr. Allen of Burke, being in the chair,

On motion of Mr. Walker,

*Resolved unanimously,* That the thanks of this house is due to the hon. Thomas Stocks, president of senate, for the faithful discharge of his duty during the present session.

Mr. Baker from the committee of enrollment, reported as duly enrolled and signed by the speaker of the house of representatives, the following acts, viz :

An act to authorise the admission of certain documents therein mentioned, as evidence in the several courts in this state.

An act to authorise the commissioners of McIntosh county academy to establish one or more schools, for the education of poor children.

- An act to separate and divorce William Scott and Mary his wife.
- An act to establish a ferry on Flint river on fraction No.238, in the 15th district of Houston county.
- An act supplementary to and amendatory of an act entitled an act to amend an act entitled an act to amend an act entitled an act to extend the time of taking out grants on surveys made on head rights and bounty warrants, passed on the 2d day of December, 1823.
- An act to divorce and separate Delitha Garner and Richard her husband.
- An act to change the name of Farmers academy in the county of Jones.
- An act to grant and secure to the commissioners of the incorporation and citizens of the town of Macon, Bibb county, four acres of ground at or near Fort Hawkins for the purpose of public burying grounds.
- An act to admit Ptolemy T. Harris and Eugenius A. Nesbit to plead and and practice in the several courts of law and equity in this state.
- An act to incorporate the village of Jacksonborough in the county of Scriven, and to appoint commissioners for the same.
- An act to authorise certain persons therein described to plead and practise in the courts of law and equity in this state, on the terms therein mentioned.
- An act to amend the 2d section of an act passed the 24th December, 1821, to regulate general elections in this state and appoint the time of the meeting of the general assembly, so far as the same requires all elections to be held at the place of holding the Superior courts, so far as respects the counties of Burke, Habersham and Dooly.
- An act to authorise and require the clerk of the Inferior court of Camden county, to pay out of the county funds, the sum of two dollars per day to one magistrate or freeholder from each election district of said county, for their attendance at the town of Jefferson to compare and counting up the votes for said county.
- An act to authorise the enforcement of the patrol law in the city of Savannah in certain cases therein mentioned.
- An act to alter and amend the first section of an act entitled an act to lay out four new counties from the counties of Houston, Twiggs, Monroe, Jones, Henry, Fayette, and Gwinnett, and to attach the said new counties to the Flint circuit.
- An act to establish and fix the name of the academy at Mount Zion in Hancock county, and to incorporate the trustees thereof.
- An act to authorise the several volunteer companies of the county of Chatham to recruit, by the admission of members residing within the brigade to which said company is attached.
- An act to amend an act entitled an act to incorporate the town of Marion, in the county of Twiggs, and to vest certain powers in the commissioners thereof.
- An act to regulate the mode of taking testimony by commission and de bene esse within the state, and to alter and amend the several laws relating thereto.
- An act to alter and amend an act for the ordering and governing of slaves within this state, passed the 10th day of May, 1770.



An act to authorise the commissioners of the town of Milledgeville to convey a lot to each and every religious society of said town for a parsonage lot.

An act to amend the estray laws of this state so far as relates to the time of advertising and tolling horned cattle, sheep, goats, or hogs, before they are sold.

An act to authorise the justices of the Inferior court of the county of Crawford, out of the lands by them heretofore acquired for county purposes, and not laid out in town lots, to convey to the trustees or commissioners of the Baptist, the Methodist, and Presbyterian societies, a certain quantity of land for the purpose of erecting buildings for public worship.

An act to amend an act entitled an act to authorise parties plaintiffs to issue summons of garnishment in certain cases, as in cases of attachment, passed 23d, Dec. 1822.

An act to incorporate the Mechanics' Society of the city of Augusta, and to repeal the act for this purpose, passed 25th Dec. 1794.

An act to alter and fix the time of holding the Superior courts in the Ocmulgee circuit.

An act to amend the 7th section of an act entitled an act to amend an act entitled an act to revise and amend the judiciary system of this state, passed the 16th February, 1799, and to provide for opening the several courts of ordinary in this state, in certain cases.

An act to ratify the proposed convention between the states of South Carolina and Georgia, relative to the Savannah and Tugalo rivers.

An act to alter and amend an act incorporating the town of St. Mary's.

An act to establish a ferry on Flint river, on fraction No. 242, in the 15th district of Houston county, and a ferry on fraction No. 216, in the first district of Dooley county, and to establish certain ferries therein mentioned.

An act to repeal a part of an act entitled an act to raise a tax for the support of government for the year 1805, passed Dec. 12th, 1804.

An act to appropriate a part of the proceeds of the public property in the town of Macon, county of Bibb, for the purpose of building a court-house and jail for said county.

An act to carry into effect the 6th section of the 4th article of the constitution.

An act to raise a tax for the support of government for the political year 1824.

An act to establish and regulate district elections in the counties of Telfair, Early and Appling, and to punish those who may attempt to defeat the same.

An act declaring certified copies of official bonds testimony in certain cases.

An act to establish a turnpike across Buffalo swamp, at a place called Cain's bridge

An act to make permanent the site of the public buildings in the county of Fayette at Fayetteville, and to incorporate the same.

An act to grant indulgence to the purchaser of lot No. 32, lying in the county of Greene, and known as a part of the University land.

Which were presented to and signed by the president of senate.

Ordered, That the committee of enrollment do carry said acts to his excellency the Governor for his revision.

A message from the house of representatives by Mr. Dawson, their clerk.

*Mr. President,*

The house of representatives have passed the following bills which originated in senate, to wit :

A bill to be entitled an act to separate and divorce Sarah Heard and Stephen G. Heard her husband.

A bill to be entitled an act to authorise Littlebury Richardson to establish a ferry on Flint river.

A bill to be entitled an act to define the duties and authority of the commissioners of the town of Lawrenceville in Gwinnett county.

A bill to be entitled an act to change the time of holding the Inferior court in the county of Telfair.

A bill to be entitled an act to establish a ferry on fraction 229, the 15th district of Dooly county.

A bill to be entitled an act to authorise Daniel Walker to demand toll at his bridge.

A bill to be entitled an act for the relief of Isaac Hall, tax-collector Wilkinson county.

A bill to be entitled an act to authorise the justices of the Inferior court of Gwinnett county to convey certain lots of land.

And a bill relative to vendue masters and notaries public.

They have concurred in the report of the joint committee on the state of the republic on the subject of the extinguishment of Indian claims.

In the report of the joint and select committee relative to indexing the journals of the two houses.

In the reports of the joint committee on the subject of the Alapaha river—on the Oconee navigation—on the Tugaloo river.

In the memorial and remonstrance upon the subject of Indian claims.

In the report upon the subject of cutting a canal from the Alapaha to Turtle river.

In the resolution relative to the Wilkinson county academy.

In the resolution relative to Georgia Justices.

The house of representatives have concurred in the report of the joint committee of conference on the bill to authorise the commissioners of Glynn county academy to establish free schools in said county.

The house of representatives have agreed to all the amendments made by senate to the bill to be entitled an act to appropriate monies for the support of government for the political year 1824, with the exception of the amendment allowing a compensation to a clerk for the treasury department, to which the house of representatives do not agree.

The house of representatives have concurred with senate in the memorial and remonstrance on the subject of Indian title within our territory.

In the report of the committee on agriculture and internal improvement on the report of the commissioners of the Alapamaha.

They have concurred in the report of the joint committee on agriculture and internal improvement to whom was referred the petition of sundry citizens of Camden county.

In the resolution requesting his excellency the Governor to ascertain from the steam-boat company the lowest terms on which the said company will surrender its charter to the state.

In the report of the committee to whom was referred the memorial of the commissioners of the academies of the counties of Elbert, Jackson, Clark, Jasper, Morgan, Putnam, Laurens, Montgomery, Scriven and Bulloch.

In the resolution appointing trustees of DeKalb county academy.

In the report of the committee on agriculture and internal improvement in relation to Brier creek.

In the report of the committee on banks to whom was referred the communication of the Governor in relation to the banks with an amendment.

In the resolution proposing an amendment to the constitution of the United States.

In the report of the joint committee on agriculture and internal improvement on the subject of cutting a canal from St. Mary's to Suwana.

In the resolution relative to county academies.

In the resolution relative to the purchase of curtains for the halls of the senate and house of representatives.

In the resolution relative to unfinished business.

The house has agreed to the amendment of senate to the resolution of the house relative to certain repairs to be made in the representative hall.

In the amendments of senate to the bill of the house authorising the commissioners of Macon to sell forty lots in said town.

To the report of the joint committee on agriculture and internal improvement relative to a topographical engineer and other subjects therein contained.

To which they desire concurrence.

The house of representatives have agreed to a resolution authorising the clerk of the house of representatives to employ additional clerks to complete the unfinished business, and to allow the clerk and his assistants three days pay after the adjournment.

To which they desire concurrence.

The senate took up the message and amended the resolution authorising the clerk of the house of representatives to employ additional clerks, &c. by inserting "Secretary of senate," and concurred in the resolution as amended.

The report of the committee on agriculture and internal improvement, on the subject of a topographical engineer, was read and ordered to lie on the table the balance of the session.

The amendment made by the house of representatives to the report of the joint bank committee, was read and concurred in.

On motion of Mr. Sellers,  
*Resolved, That*

be a committee on part of senate to

join such as may be appointed on the part of the house of representatives to wait on his excellency the Governor and inform him that the General Assembly are ready to adjourn sine die, and to ascertain if he has any further communication to lay before them.

Ordered that Messrs. Sellers, Blackshear and Holt be that committee.

The senate adjourned until 4 o'clock P. M.

*Four o'clock, P. M.*

The senate met pursuant to adjournment.

A message from the house of representatives by Mr. Dawson their clerk :

*Mr. President,*

The house of representatives have agreed to the amendments of senate to the resolution relative to employing additional clerks.

They have concurred in the resolution appointing a committee to wait on his excellency the Governor and inform him that the General Assembly are ready to adjourn sine die, &c. and have joined a committee on their part consisting of Messrs. Abercrombie, Heard, Christian Dawson, Lester and Morrow.

And he withdrew.

Mr. Jones of Baldwin, from the committee of enrollment reported as duly enrolled and signed by the speaker of the house of representatives, the following acts.

An act to amend the third section of an act entitled an act to amend the 26th section of the judiciary act, passed the 16th December 1799, and also to prevent the fraudulent enforcement of dormant judgments, passed 19th Dec. 1822.

An act to authorise the judges of the Inferior court of Emanuel county to make rights and titles to the old court house and jail, &c.

An act to alter and amend an act passed 25d Dec. 1822, to distribute the proceeds of the free school fund among the different counties of this state.

An act to define the duties and authorities of the commissioners of the town of Lawrenceville in Gwinnett county.

An act to authorise the judges of the Inferior court of Henry county to convey to the trustees or commissioners of the Baptist, Presbyterian and Methodist societies, a lot of land each, for the purpose of erecting buildings for public worship.

An act to authorise the commissioners of Glynn county academy to establish free schools in said county.

An act to authorise Littleberry Richardson to establish a ferry on Flint river on his own land, in the 15th district of Dooly county on fraction No. 148.

An act to be entitled an act to change the time of holding the Inferior courts in the county of Telfair.

An act to separate and divorce Sarah Heard and Stephen Heard, her husband.

An act to alter and amend an act to entitled an act to authorise the Inferior courts of the counties of Richmond and Jefferson to adopt such measures in relation to roads and bridges of their counties as they may think proper, and to levy an extra tax for the same, &c.

An act to be entitled an act to change the time of holding the Superior courts in the Flint circuit.

An act to amend and explain an act entitled an act to vest the appointment of commissioners of academies, vendue masters, notaries public and lumber measurers in certain persons therein mentioned, passed the 18th Dec. 1816.

An act to compel the clerks of the inferior courts in the several counties in this state, annually at the first term of the superior courts in their respective counties, to make and exhibit to the grand jury a statement of the county funds, shewing the receipts and expenditures of their said counties for the preceding year.

An act to incorporate the Leaksville academy in the county of Newton.

An act to sell and dispose of lots No. 10 and 100 reserved by the land lottery act, passed the 15th day of December, 1818, for the education of poor children.

An act to empower the sheriffs and coroners to deliver possession of the real estate sold by them under executions to the purchaser, his or her agent or attorney.

An act for the relief of Isaac Hall, tax-collector of the county of Wilkinson for the year, 1821.

An act to separate Bethenia Fullwood and Andrew Fullwood her husband.

An act to establish a ferry across the river Ocmulgee in the county of Pulaski, at a place known by the name of Silver Bluff, and to vest the right thereof in William Lester and his heirs, and fix the rate of ferriage.

An act to sell and dispose of the fractional parts of surveys of land which remain unsold in the counties of Walton, Gwinnett, Hall, Habersham and Rabun, and also all such parts of lots of land as have been forfeited to the state as having been fraudulently drawn.

An act to appoint trustees of the Telfair county academy, and to incorporate the same.

Which were presented to and severally signed by the president of senate.

Ordered, That the committee of enrollment carry said acts to his excellency the Governor for his revision.

The senate adjourned until 8 o'clock P. M.

*Saturday Evening, 8 o'clock.*

The senate met pursuant to adjournment.

Mr. Jones of Baldwin, from the committee of enrollment, reported is duly enrolled and signed by the speaker of the house of representatives, the following acts :

An act further to define the duties of comptroller-general, solicitors and attorney general, collectors and sheriffs, and for other purposes.

An act to entitle the incorporated academies in Hancock county to their full dividend of the fund set apart for county academies.

An act more effectually to secure the property of minors against the mismanagement of their natural guardians by requiring bond and security, as in other cases of guardianship, of such guardian.

An act to sell and dispose of forty lots in the town of Macon.

An act concerning coroners and inquests.

Which were presented to and severally signed by the president of senate.

Ordered, That the committee of enrollment carry said acts to his excellency the Governor for his revision.

Mr. Sellers from the joint committee appointed to wait on his excellency the Governor, and inform him that the general assembly is ready to adjourn, reported,

That they had performed that duty, and received for answer from his excellency, that he had no further communication to lay before either branch of the general assembly.

Mr. Burney from the committee appointed to adjust the accounts of the members and officers of senate, presented the warrant on the treasury for the pay of the members and officers, which was signed by the president of senate.

A message from the house of representatives by mr. Dawson their clerk.

*Mr. President,*

The house of representatives have agreed to a resolution further defining the powers and duties of the principal keeper and inspectors of the penitentiary.

The senate took up the message, and concurred in the resolution.

On motion of mr. Swain,

Ordered, That the secretary of senate inform the house of representatives that the senate is now ready to adjourn *sine die*.

A message from the house of representatives, by mr. Dawson their clerk, was received, informing the senate that the house of representatives was ready to adjourn *sine die*.

The president then adjourned the senate without a day.



# Appendix.

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## FINANCES OF GEORGIA.

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### REPORTS

OF THE COMPTROLLER AND TREASURER.

### COMPTROLLER'S REPORT.

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IN SENATE, Nov. 11, 1823.

Read and referred to the Committee on Finance.

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COMPTROLLER-GENERAL'S OFFICE, GEO. }  
MILLEDGEVILLE, 10th November, 1823. }

*to the Honorable the President and Members of the Senate,*

GENTLEMEN,

ENCLOSED I have the honor to present you an account of the Receipts and Disbursements at the Treasury during the political year 1823, by which it will be perceived that the receipts for the last year exceeded the payments made during the same time \$ 142,319 10 $\frac{1}{4}$  which added to the balance in the Treasury on the 31st October 1822, makes the sum of \$ 425,775 60 $\frac{1}{4}$  in the Treasury on the 31st of October last. You will also perceive that the Penitentiary Fund for 1823 is, by a miscalculation, been overdrawn \$ 848 19. Herewith you will also receive a List of Tax Collectors in arrears. All of which respectfully submitted, by

Your most obedient Servant,

JAMES BOZEMAN,

*Comptroller-General.*



**GEORGE R. CLAYTON, Treasurer, in Account**  
*Disbursements at the Treasury during the*  
*day in November, 1822, to the*

**DR.**

For amount received on the following accounts, viz:

General tax of	1810				467
do	1818	-	-	-	300
do	1819	-	-	-	564 27
do	1820			-	7159
do	1821	-			73 660 33
do	1822	-		-	23,653 24
Direct tax,	1813	-			250
Dividend on Bank Stock				-	44 000
Interest on Steam-boat Stock				-	8 000
Tax on Bank Stock				-	6,476 14
Bonds for fractions and Milledgeville lots				-	6,500
Bonds for University lands					19,495 80
Vendue tax					3 247 43
State Stock for cash returned into the Treasury					1,676 38
Fund raised by fees on land drawn for in 1820					19,602
do	"	"	"	1821	38 969
do	by sale of fractions, under act of 1820				10,186 83 1-2
do	"			in Baldwin & Wilkinson	899 92 1-2
do	by sale of lands fraudulently drawn				2,634 93
do	by fees on grants and testimonials				271
do	by fees on reverted lots in B. and W				160
do	"	"		in B. W and W	30
do	by sale of town lots in Macon				3,124 75
do	by rent of public property at Fort Hawkins				162
do	by rent of fractions and square lots				1,500 81 1-4
do	by sale of escheated estates				53 75

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\$272,946 59 1 4

For balance brought down 142 319 10 1-4  
 balance remaining in the Treasury 31st Oct. 1822. 283 456 50

---

Amount in the Treasury on the 1st Nov. 1823, \$425,775 60 1-4

*Current with the State of Georgia, for Receipts and political year, 1823, viz. from the first Month 31st October, 1823, inclusive.*

				CR,
By cash paid out on the following accounts, to wit:				
Appropriation for the Legislature				41 134 80
do do Ocmulgee river	-			10,000
do do County academies	-	-		3 306 80 1-2
Special appropriation, 1816	-	-		17 50
do do 1822	-	-		6,680 50
do do 1823	-	-		10 346 04
Civil Establishment, for 1819	-	-		150
do do 1821	-	-		225
do do 1822	-	-		6 662 50
do do 1823	-	-		18 600
Redemption of Public Debt	-	-		1,838 40
Penitentiary Fund	-	-		10 848 19
Contingent Fund,	-	-		9,944 83 1-2
Printing Fund	-	-		4,991 13
Land Fund	-	-		4,908 72
Military Fund for 1822	-	-		973 07
By balance	-	-		142 319 10 1-4
				<hr/>
				\$272,946 59 1-4

JAMES BOZEMAN,  
Comptroller-General.

Comptroller-General's Office, }  
Milledgeville, 10th Nov. 1823. }

## A LIST OF TAX COLLECTORS

*In Arrears.*

<i>Collector's Names.</i>	<i>County.</i>	<i>Years.</i>	<i>Amount.</i>
James Powell	Glynn	1805	\$454
do	do	1806	405
do	do	1807	230
do	do	1809	383
Robert Leach	do	1810	615
do	do	1811	11
John Burnitt, jr.	do	1813	322
James Kennedy	do	1814	1,474
William Piles	do	1815	990
Robert Payne	do	1816	} 3,055
do	do	1817	
William Purvis	do	1818	1,131
do	do	1819	360
John Cooper	McIntosh	1803	1,041
do	do	1804	1,165
do	do	1805	1,199
do	do	1807	975
do	do	1808	136
Murdock McLeod	do	1801	209
Wm. S. Taylor	do	1814	1,185
Randolph McGillis	Camden	1800	278
do	do	1801	210
John Boog	do	1803	195
do	do	1804	669
Joseph Crews	do	1805	475
do	do	1806	903
do	do	1807	1,356
William Scott	Camden	1810	339
do	do	1811	434
do	do	1812	246
do	do	1813	648
do Direct Tax	do	1813	459
G. H. Davidson	Bryan	1806	120
R. T. Keating	do	1807	699
do	do	1808	
do	do	1809	225
do	do	1810	224
John Waddel	Clark	1802	147
B. S. Lanier	Scriven	1807	122
do	do	1810	268
Peter H. Collins	Columbia	1807	47
Peter Devaux	Chatham	1809	8,437
do	do	1810	13,169
Christian Guggle Direct Tax		1813	
John Stewart	Liberty	1811	387
James Wiley	Franklin	1800	113

Thomas Hughes	Jackson	1813	507
John Bishop	Hancock	1811	67
Greene Mitchell	do	1819	3,195
do	do	1821	890
Daniel S. Pearce	Wilkinson	1812	386
Wm. Nobles	Morgan	1808	22
Holland McTerre	Richmond	1810	483
John Daracott	Wilkes	1806	437
do	do	1807	435
do	do	1808	3,917
James Belcher	Chatham	1803	1,996
Lemuel Owens	Putnam	1819	4,837
David E. Kemp	Wayne	1819	30
John Simmons*	do	1819	1,477
Thomas H. Hanley	Richmond	1819	11,202
James Loyless	Warren	1820	2,517
Silas Overstreet	Tatnall	1818	478
do	do	1819	466
Alfred Thompson	Laurens	1818	743
W. A. Carr	Early	1820	43
William Oliver	Scriven	1820	1,301
Wm. Waller	Washington	1821	2,572
Benjamin Mell	Liberty	1820	190
do	do	1821	
Isaac Hall	Wilkinson	1821	1,297
H. L. Jones	Baldwin	1821	1,041
John Harris Direct tax	Glynn	1813	737
do	do	1814	718
do	do	1815	813
Silas Overstreet	Tatnall	1820	526

JAS. BOZEMAN, *Comp. Gen'l*

\*Paid to the Sheriff who has failed.



# TREASURER'S REPORT.

TREASURY OFFICE, GEO. 2  
Milledgeville, Nov. 10, 1823. }

*To the Honourable*

*President of the Senate,*

SIR,

Herewith inclosed I have the honor to submit to the Senate my report of the situation of the Treasury and finances of the State, on the 31st of October, ult. and am,

With the greatest respect,

Your most obedient servant,

GEO. R. CLAYTON,

*Treasurer.*

SEN.

40



*Georgia on the 31st of October, 1823, inclusive.*

*CASH.*

*CR.*

By President's and Speaker's warrants, and warrants drawn by the Governor on the Treasurer, and directed to be charged to the following accounts, taken in at the Treasury between the 1st of November, 1822, and the 31st of October, 1823, inclusive—viz.

Fund for redemption of the public debt	-	-	1,838	40
Special appropriation of 1816	-	-	17	50
do 1822	-	-	6,680	50
do 1823	-	-	10,346	04
Appropriation for the Ocmulgee river	-	-	10,000	
Civil establishment 1819	-	-	150	
do 1821	-	-	225	
do 1822	-	-	6,662	50
do 1823	-	-	18,600	
Contingent fund 1823	-	-	9,944	83 1-2
Appropriation for County Academies	-	-	3,306	80 1-2
do for the penitentiary	3,104	26		
do do for 1823	3,707	70		
Penitentiary fund for 1823	-	4,036	23	
			10,848	19
Land fund	-	1,742	32	
do for 1823	-	3,166	40	
			4,908	72
Printing fund	-	2,200		
Appropriation for printing	-	691		
do do for 1823	1,425	37 1-2		
Printing fund for 1823	-	674	75 1-2	
			4,991	13
Military disbursements, 1823	723	27		
Military fund for 1823	249	80		
			973	07
President's and speaker's warrants for the pay of the last legislature	-	-	41,154	80
			\$130,627	49
Balance 31st October, 1823	-	-	425	775 60 1-4
			\$556,403	09 1-4



***Balances of Principal due on Bonds, Notes, &c. agree-  
ably to the books of the Treasury, on the 31st of Oc-  
tober, 1823.***

On Bonds for fractions and square lots sold in 1811	2,032	39
do forfeited land	1,703	84
do fractions in Baldwin and Wilkinson counties	22,252	78
do fractions sold under an act of 1820	25,842	55
do the rent of fractions	2,517	43
do the rent of property at Fort Hawkins	3,208	50
do lots in Macon	9,374	25
do and Notes for Indian goods	713	64
do reverted confiscated property	21,013	16
do fractions delivered John Kell, Solicitor		
General, for collection	4,835	87
do fractions, Milledgville lots, &c. delivered		
B. Franklin, Sol. Gen. for collection	35,213	99
On a Bond given for the State house in Louisville	262	88
do Notes for the rent of reserved lots	1,144	
do for the rent of fractions in 7th dist. Baldwin	7	
	<hr/>	<hr/>
	\$130,122	28

***BANK STOCK OWNED BY THE STATE.***

5000* Shares in the Bank of the State of Georgia, \$100	
pr share, paid	500,000
5000 Shares in the Bank of Darien, \$65 pr. share, paid	325,000
1000 do do Augusta \$100 do	100,000
1000 do Planters Bank of Georgia, \$80 do	80,000
	<hr/>
12000 shares, amounting to	\$1,005,000

Respectfully submitted to the

Senate by

GEO. R. CLAYTON

*Treasurer.*

TREASURY OFFICE, Nov. 10, 1823.

\*Exclusive of 1000 shares subscribed for by the state for the University

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1823.

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- Crow*, John and Nancy—bill from the house of rep to divorce 185, r1 188, r2 197, r3 and passed 211, enrolled 261.

## D.

- Darien* bank—resolution to remove the branch from Marion to Macon laid on table 25, taken up, amended and referred to bank committse 31.
- City of—memorial of, presented and referred 125. (See Augusta and Savannah.)

- Darien Huzzars**—bill from house of rep. relating to 97, r1 97, r2 99, r3 and passed 107, enrolled 131.
- Davis, Baxter**—bill from house of rep. for his relief 254, r1 255, r2 265, r3 and passed 281, enrolled 291.
- Nancy**—bill from house of rep. to change the name of 117, r1 117, r2 118, r3 and passed 123, enrolled 163.
- Thomas, dec'd**—bill from house of rep. for relief of his heirs 148, r1 148, r2 158, r3 and passed 181, enrolled 206.
- Dawson, Wm. C.**—clerk of the house of rep. 5.
- Decatur, town of**—notice for com to prepare bill to incorporate 22, com appointed 31, bill r1 38, r2 46, r3 and passed 52, passed by house of rep. 156, enrolled 182, assented to 190.
- County of**—bill from house of rep. to organize 254, r1 255, r2 265, r3 275, enrolled 291.
- Debtors, honest**—bill from the house of rep. for the relief of 194, r1 204, r2 209, r3 and passed 257, 258, enrolled 274.
- Deeds of conveyance and mortgages**—bill from house of rep relating to 156, r1 161, r2 166, r3 and passed 194, reconsidered 195.
- De Kalb county academy**—resolution appointing trustees of 214, concurred in 302.
- Dickson, Michael**—bill from the house of rep. for his relief r2 69, r3 and passed 78, enrolled 94.
- Desjardins, Francis**—bill from the house of rep. to alter the name of 97, r1 97, r2 99, r3 and passed, 107, enrolled 132.
- Divorce**—judiciary com instructed relative to changing the law on the subject of 94.
- Documentary evidence**—(See official acts of judges, &c.) 149.
- Document No. 4** referred to com on petitions, report 220.
- Dooly county**—notice for com to prepare bill to change the site of public buildings in 22, com appointed 29, bill r1 56, r2 64, r3 and passed 69, passed by house of rep. 155, enrolled 186, assented to 190.
- Notice for com to prepare bill to lay off election precincts in 75, com appointed 82.**
- Dower**—judiciary com instructed relative to amending the laws on the subject of 86.

## E.

- Early, Eleazer**—his petition presented and referred 37 com reported, bill r1 71, r2 76, disagreed to 83.
- County academy**—commissioners and trustees of appointed 75, concurred in 102, approved 125.
- County**—bill from house of rep. to divide r1 124, r2 126, r3 and passed 147, enrolled 163.
- Effingham county**—notice for com to prepare bill to amend the road laws of 26, com appointed 33, bill r1 39, r2 45, r3 and p. 52, passed by house of rep. 156, enrolled 185, approved 190.
- Elbert county**—bill from house of rep. relating to superior court of 194, r1 204, r2 208, r3 and passed 255, enrolled 291.
- Elections**—notice for com to prepare bill to alter 1st section of the act of 1799, to regulate 31, com appointed 35, bill r1 45, r2 51, in com 65, in com again 69, progress and leave.

- Electors* of president and vice-president of the United States—resolution prescribing the mode of choosing of, agreed to unanimously 38, motion to reconsider negatived 43, concurred in by the house of rep. 62, approved 80.
- Emanuel* county—bill reported instantler to authorise the Inferior court of, to make titles to old court-house and jail of, r1 48, r2 51, r3 and passed 64, passed by house of rep. 295, enrolled 303.
- Engineer*, topographical and civil—resolution laid on the table relating to the appointment of 268, resolution from house of rep. relating to 302, laid on the table balance of session 502.
- Escapes*—bill from house of rep. to provide for the payment of costs for the trial of, from the penitentiary 151, r1 161, r2 166, r3 and passed 183, enrolled 206.
- Estray Laws*—notice for com to prepare bill to amend 36, com appointed 42, bill r1 50, r2 51, r3 and passed 65, reconsidered 68, rejected 86, reconsidered 91.  
Bill reported instantler to amend, r1 94, r2 99, r3 and passed 107, passed by house of rep. 295, enrolled 300.
- Eudisco* academy—notice for com to prepare bill to incorporate 38, com appointed 48, bill r1 57, r2 64, r3 and passed 69, passed by house of rep. 155, enrolled 185, assented to 190.
- Executive* office—report relating to the situation of the books and papers in 199.

## F.

- Farmers'* academy—bill reported to change the name of, r1 116, r2 118, r3 and passed 122, passed by house of rep. 295, enrolled 296.
- Favor*, William—his petition presented and referred 49, report laid on table 55, agreed to 116, concurred in 271.
- Fayetteville*, Fayette county—notice for com to prepare bill to incorporate 26, com appointed 31, bill r1 56, r2 64, r3 and p. 69, passed by house of rep. 156, enrolled 300.
- Fayette* county—notary public appointed for 97, concurred 160, approved 194.  
Commissioners of the academy appointed 31, concurred 62, approved 79.
- Fees* of the state house officers on certain grants—resolution from house of rep. relating to 190, concurred 191.
- Ferries*—bill from house of rep. to establish certain 254, r1 255, r2 265, r3 and passed 267.
- Fickling*, Young G. W. and Caroline S.—bill from house of rep. to change the names of 184, r1 188, r2 190, r3 and passed 210, enrolled 261.
- Finance*—resolution laid on the table authorising com on to send for persons and papers 8.  
Com on, reported on Treasurer's abstract, agreed to 91, concurred in 102, approved 125.  
Com on, reported generally from 220 to 254, taken up 263, motion to amend negatived 264, agreed to and 300 copies ordered to be printed, 265.



*Finance*—com on, further report of, (See Frierson) 291.

*Fines and forfeitures*—bill introduced to authorise justices of the Inferior courts to remit in certain cases r1 81, r2 95, r3 and passed 129.

*Fisheries*—resolution from house of rep. relating to 273.

*Flint circuit*—notice to prepare bill to alter the times of holding courts in 92, r1 152, r2 158, r3 and passed 172, passed by house of rep. 301 enrolled 304.

*River*—bill to establish ferry over r1 116, r2 118, r3 and passed 122, passed by house of rep. 304, enrolled 299.

Bill to establish ferry over r1 189, r2 196, r3 and passed 213, passed by house of rep 295, enrolled 299, 300.

*Forsyth, town of*—notice for com to prepare bill to incorporate 18, com appointed 25, r1 31, r2 36, r3 and passed 41, passed by house of rep 156, enrolled 185, assented to 190.

*Fractions*—notice for leave to report bill to dispose of in certain counties 8, bill r1 21, r2 26, r3 and passed 33, passed by house of rep. 294, enrolled 304.

Resolution concerning of 38 and 72, concurred in by house of rep. 90, approved 114.

Bill from house of rep. to legalise certain draws of 57, r1 67, r2 69, r3 and passed 78, enrolled 132.

Commissioners of sales—resolution relating to 66, concurred in 70, approved 75.

*Franklin county academy*—petition of the trustees of presented and referred 130

Bill from house of rep. to add part of the county of, to the county of Madison 185, r1 188, r2 190, r3 and passed 209, enrolled 261.

Resolution from the house of rep. appointing commissioners of the academy of 152.

*Frierson, James S.*—resolution laid on table relating to 153, his report referred to com on finance 163. com reported on 291.

*Fullwood, Bethenia and Andrew*—notice for com to prepare bill to divorce 28, com appointed 34, bill r1 37, r2 40, r3 and passed 47, passed by the house of rep. 294, enrolled 304.

## G.

*Garnishment*—bill from house of rep. concerning 124, r1 124, r2 126, r3 and passed 275, enrolled 300.

*Gamble, Mr*—leave of absence 25.

*Garner, Delitha and Richard*—notice for com to prepare bill to divorce 22, com appointed 32, bill r1 45, r2 51, r3 and passed 149, passed by house of rep. 294, enrolled 299.

*Georgia Justice*—resolution relating to the distribution of, in certain counties 19, concurred in 29, approved 79, 280.

*Generals*—resolution for the election of one major-general and three brigadiers 176, 196, concurred in 203.

*General Elections*—bill from house of rep. relating to 102, r1 103, r2 106, r3 and passed 149, enrolled 163.

Bill from house of rep. concerning of 117, r1 119, r2 121.

- General Elections**—bill reported as relates to Burke and Habersham 132, r2 126, r3 and passed 133, passed by house of rep. 293, enrolled 299.
- Glenn, Mr.** leave of absence 23, 91, 160.  
David, his petition presented and referred 32.
- Glynn county**—bill from house of rep. to levy an extra tax in 46, r1 49, r2 54, r3 and passed 64, enrolled 84.  
Notary public appointed for 75, 102.
- Governor** elected 20, inaugurated 24.
- Grants, lottery**—notice for com to prepare bill to reduce the price of 8, com appointed 18.  
Notice for committee to prepare bill to allow further time to take out 7, com appointed 21, bill r1 35, r2 40.  
Bill from house of rep. and to reduce fees on 40, r1 44, r2 46, r3 and passed 61, enrolled 81.  
Bill from house of rep. to legalise a certain description of 148, r1 148, r2 158, r3 and passed 181, enrolled 291.
- Greene, Wm.** elected inspector of penitentiary 207.
- Gresham, Hinson**—bill from house of rep. relating to 73, r1 73, r2 76, r3 and passed 83, enrolled 103.
- Groves, Mr.** leave of absence granted to 170.
- Grogan, Thomas**—his petition presented and referred 18, bill reported and r1 70, r2 76, r3 and passed 83, passed by house of rep. 155, enrolled 186, assented to 190.
- Guardians, natural**—bill from house of rep. relating to 273, r1 273, r2 286, r3 and passed 295, enrolled 305.
- Gwinnett county academy**—petition of the commissioners of presented and referred 133.  
Bill reported to convey lots to certain religious societies in the county town of, r1 177, r2 196, r3 and passed 210, passed by house of rep. 301.

## II.

- Hall county**—notice for com. to prepare bill relating to the public buildings in 22, com appointed 31, bill r1 57, r2 64, r3 and passed 69, passed by house of rep. 156, enrolled 185, assented to 189.  
Notice for com to prepare bill to vest in the commissioners of the academy of, certain land 37, com appointed 50, bill r1 76, r2 83, disagreed to 96.
- Isaac, of Wilkinson county**—bill for his relief r1 178, r2 197, r3 and passed 213, passed by house of rep. 301, enrolled 304.
- Hamilton, Everard**, elected secretary of state 93.
- Hansell, Wm. Y.** elected secretary of senate 5.
- Hancock county**—petition of sundry citizens of presented and referred 74, bill reported to incorporate Mount Zion academy in r1 84, r2 95, r3 and passed 100, passed by house of rep. 295, enrolled 299.  
Bill from the house of rep. for the benefit of the incorporated academies in 273, r1 273, r2 286, r3 and passed 297, enrolled 305.

- Hardy, Joseph*—from house of rep. to establish his ferry 117, r1 117, r2 118, r3 and passed 123, enrolled 163.
- Harmony academy*—bill from house of rep. to incorporate, 57, r1 67, r2 68, r2 and passed, 77, enrolled, 94.
- Harper, Mr.*—leave of absence granted, 272.
- Harris, Stephen Lacoste*—bill from house of rep. to add to the name of, 47, r1 50, r2 51, r3 and passed, 65, enrolled, 84.  
     Ptolemy T.—to admit him to plead and practice law, r1 153, r2 158, r3 and passed, 166, passed by house of rep. 294, enrolled, 299.
- Harrell Jane and James*—bill from house of rep. to divorce, 184, r1 184, r2 196, r3 and passed, 210, enrolled, 261.
- Head rights and bounty warrants*—bill from house of rep. to extend the time of taking out grants on surveys made on, 40, r1 42, r2 46, r3 and passed, 55, with amendments—house of rep. disagree to amendments, 73, senate adhere, 73, house of rep. request com. of conference, 90, senate appoint com. 92, com. of conference report, 101, report agreed to, 106, reconsidered, 115, agreed to, 121, bill enrolled, 132.  
     Bill read first time to amend, 127, r2 129, ordered to lay on table, 145.  
     Supplementary bill, r1 158, r2 165, r3 and passed, 170, passed by house of rep. 294, enrolled, 299.
- Heard, John A.*—appointed commissioners of Elbert county academy, 19, concurred in 28, approved, 79.  
     Sarah and Stephen G.—notice for com. to prepare bill to divorce, 45, com. appointed, 73, bill r1 132, r2 150, r3 and passed, 212, passed by house of rep. 301, enrolled, 304.
- Henry county*—com. appointed to prepare bill to convey certain lots to religious societies in, 74, bill r1 93, r2 99, r3 and passed, 107, passed by house of rep. 295, enrolled 303.  
     Commissioners of the academy of, appointed, 30, 62, 80.  
     Notary public appointed for, 81, 102, 128.
- Holt, Mr.*—leave of absence granted to, 21, 54, 162.
- Horn, Isaac*—resolution for his relief, 97, 97, 101, 108.
- Houston county*—bill from house of rep. to make permanent the site of the public buildings in 46, r1 49, r2 51, r3 and passed, 64, enrolled, 84.  
     Notaries public appointed for, 124, 125.  
     Commissioners of academy of appointed, 42, 62, 80.
- House of Representatives*—notice of organization, 5.

## I.

- Inferior courts, clerks of*—notice for com. to prepare bill concerning their duties, 70, com. appointed, 75, bill r1 82, r2 95, r3 and passed, 100, passed by house of rep. 295, enrolled, 304.
- Irwin county*—bill from house of rep. relating to 148, r1 148, r2 158, r3 and passed, 184, enrolled, 206.  
     Commissioners of the academy of appointed, 152, 160.

**Islands, St. Simons and Jekyll**—bill from house of rep. concerning the slaves and roads on,, 40, r1 41, r2 46, r3 and passed, 53, enrolled, 71.  
**Indian lands**—memorial on extinguishment of title to, 278.

## J.

**Jacksonborough**—notice for com. to prepare bill to incorporate, 85, com. appointed, 92, bill r1 103, r2 115, r3 and passed, 119, passed by house of rep. 295, enrolled, 299.  
**Jefferson county**—bill relating to slaves in, r1 164, r2 170, rejected, 204.  
**Jones, Thomas**—appointed commissioners of Elbert county academy, 19, 30, 80.  
**Mr. of Newton**—added to com. on the state of the republic, 27, leave absence, 115, 219.  
**Journals**—com. appointed to examine, 42, 116, reported, 297.  
 Report to have the old journals indexed, 176, agreed to and concurred in, 301.  
**Judges of the Superior courts**—notice for com. to prepare bill prescribing their duties, 27, com. refused, 50.  
 Bill from house of rep. to compel them to reside in their respective judicial circuits, 273, r1 273, r2 286, and rejected.  
**Justices of the peace**—notice for com. to prepare bill increasing their powers, 39, com. appointed, 50.  
**Courts**—bill from house of rep. amendatory of the laws relating to, 156, r1 161, r2 166, rejected, 180.  
**Judiciary of 1799**—notice for com. to prepare bill to amend the 26th of, 8, com. appointed, 25 bill r1 30, r2 36, r3 and passed, 55, passed by house of rep, 294, enrolled, 303.  
 Bill from house of rep. to amend, 193, r1 204, r2 209, r3 and passed, 268, enrolled, 300.  
 Com. on instructed, 34, 39, 49, 49, 67, 86, 94, 103, 109, 121, 131, 153, reported, 82, 104, 164, 171, 172, 170.

## K.

**Kimberly, Anson**—resolution confirming the executive appointment of, as a commissioner of pilotage and commissioner of the river Altamaha 39 and 42.

## L.

**Lands**—bill to render easy the mode of conveying r1 165, r2 170,  
**Lawrenceville**—bill to define the duties and authorities of the commissioners of the town of, r1 71, r2 76, r3 and passed 84, passed by the house of rep. 301, enrolled 303.  
**Laksville academy**—bill to incorporate r1 103 r2 119, r3 and passed 116, passed by house of rep. 295, enrolled 304.  
**Lincoln county**—notaries public appointed for 96, 97.

*Lincoln county*—petition from citizens of referred 162, bill r1 174.  
(See title Daniel Walker.)

*Little, Mr.* leave of absence balance session 126.

*Lockheart, Mr.* of Warren, leave of absence granted to 91.

*Lots, Nos.* 10 and 100—notice for committee to prepare bill to sell and dispose of 39, com. appointed 48, bill r1 70, r2 76, r3 and passed 90, reconsidered 91, recommitted to select com. 97, com. reported new bill r1 108, r2 115, r3 and passed 119, passed by the house of rep. 295, enrolled 304.

## M.

*Macon, town of*—bill to secure to citizens of, public burying ground r1 82, r2 96, r3 and passed 159, passed by house of rep. 294, enrolled 299.

Bill from house of rep. to incorporate r1 124, r2 126, r3 and passed 146, enrolled 163.

Vendue master appointed for 94, 160, 194.

Bill from house of rep. to raise a fund to build court-house and jail in 204, r1 204, r2 209, r3 and passed 282, enrolled 300.

Bill from house of rep. to sell forty lots in 273, r1 273, r2 286, r3 and passed 297, enrolled 305.

*Madison county academy*—notice for com to prepare bill to incorporate 29, com appointed 37, bill r1 57, r2 64, r3 and passed 69, passed by house of rep 156, enrolled 206, assented to 214.

*Magazine and Arsenal of this state*—military com reported on the situation of 288.

*Maher, Mathias and others*—memorial of presented and referred 68, com reported 109, read and 200 copies ordered to be printed 114, amendment proposed 131, report laid on table balance of session 154.

*Mallory, Stephen*—his petition presented and referred 8, bill for the relief of r1 20, r2 26, r3 and passed 33.

*Mangham, Mr.* leave of absence granted to 24, 118, 214.

*Mann, Mr.* leave of absence granted to 94.

*Marion, town of*—petition of the citizens of, presented and referred 86, bill r1 13, r2 150, r3 and passed 159, passed by house of rep 293, enrolled 299.

*Mayor's court of Augusta*—bill from house of rep. to repeal parts of the act establishing 90, r1 92, r2 101, r3 and passed 108, enrolled 163.

*McDonough, Henry county*—notice to prepare bill to incorporate 20, com appointed 2, bill r1 32, r2 36, r3 and passed 41, passed by house of rep. 156, enrolled 261, assented to 265.

*McDonald, Charles J.* elected brigadier general 207.

*McGuire, Absalom,* elected door-keeper 5.

*McIntosh county*—notaries public appointed for 42, 43.

Petition from citizen of, read and laid on table 93.

Bill to establish free school in r1 94, r2 99, r3 and passed 106, passed by house of rep. 262, enrolled 298.

Bill from the house of rep. relating to the jail of 203, r1 204, r2 208, r3 and passed 255, enrolled 291.

- McKinney*, Mr. leave of absence granted to 116, 290.  
*McKenzie*, Chesley, appointed notary public 29.  
*Memorial* and remonstrance to the president of the U. States, on subject of claims, agreed to 202, concurred in 301.  
 On subject of unlocated territory, agreed to 278, con. in 301.  
*Messages* from house of rep. ready to proceed to election of governor 21, state-house officers 92, generals and penitentiary officers 248, bank directors & judge 262, to adjourn sine die 305.  
*Mills*, William C. appointed notary public 23, 29, 79.  
*Military* com. instructed to enquire whether a vacancy exists of major general of the 3d division Georgia militia 27.  
*Militia Laws*—bill to alter and amend so far as relates to the 1st regiment, r1 67, r2 69, r3 and p. 79, p. by house of rep. 295.  
 Bill to amend r1 188, r2 197, r3 and p. 213.  
 Claims for services in 1792, 3 & 4, resolution respecting 273.  
*Milledgeville*, town of—bill to amend act of incorporation r1 79, r2 83, r3 and passed 96, passed by house of rep. with amendments 296,  
 Bill to convey to religious societies lots in, r1 108, r2 116, r3 and passed 120, passed by house of rep. 272, enrolled 299.  
*Miller*, Andrew, elected major general 207.  
 Leave of absence granted to 261.  
*Mileage* pay of members—resolution on mode of calculating it 283.  
*Mitchell*, Thomas, elected surveyor general 93.  
*Moore*, Wm. and others appointed commissioners of Emanuel county academy 37, 60, 79.  
 John—resolution appointing him notary public laid on table 116.  
*Monroe* county—com'rs. of the academy appointed 90, 92.  
*Morgan* county—bill from house of rep. to define the line between Morgan and Newton 254, r1 255, r2 265, r3 and pass. 275, enrolled 291.

## N.

- Nelson*, John B. and others, appointed commissioners of De Kalb county academy 30, 60, 79.  
*Nesbit*, Eugenius A.—bill to admit him to plead and practice law, r1 105, r2 116. (See Ptolemy T. Harris.)  
*New brigades*—bill from house of rep. to lay off three 148, r1 148, r2 158, r3 and passed 166, enrolled 189.  
*Newnan*, gen. Daniel—his letter laid before senate and referred to military com 44.  
 Elected keeper of the penitentiary 207.  
 Town of—bill from house of rep. to make permanent the site of the public buildings at, 73, r1 73, r2 76, r3 and pass. 83, enrolled 103.  
*New counties*—bill to amend the act to lay out four new counties, &c. r1 81, r2 95, r3 and p. 100, passed by house of rep. 295, enrolled 299.  
 County—bill from house of rep. to lay out one 124, r1 124, r2 126, r3 and p. 150, reconsidered 152, rejected 157, motion to reconsider rejected 162, leave to withdraw petitions 285.

- Newton and Henry counties*—petition of citizens of presented and referred, bill to define the line between r1 80, r2 83, disagreed to 96, reconsidered 98, r3 and p. 115.
- New matter*—resolution to prohibit the introduction of, after a certain day 116, disagreed to 117, 131.
- Notes, promissory and bills of exchange*—bill from house of rep. relating to 97, r1 97, r2 99, rejected 205.

## O.

- Ocmulgee river*—bill to prevent obstructions in r1 34, r2 40, r3 & p. 47.  
 Notice for com to take into consideration the propriety of building a public bridge across at Macon 92, com appointed 133, bill r1 204, r2 208, rejected 266  
 Bill to establish ferry over, r1 125, r2 126, r3 and passed 255, enrolled 304.  
 Bill from house of rep. to establish ferry over, at Hartford 203, r1 204, r2 208, r3 and p. 254, enrolled 274.  
 Bill from house of rep. to reduce the rates of ferriage over, at Macon 204, r1 204, r2 208, rejected 256.  
 Circuit—bill from house of rep. to change the times of holding superior courts in 271, r1 272, r2 274, r3 and passed 288, enrolled 300.
- Oconee navigation*—report on the subject of, 281, 301.
- Obligors and promissors, joint and several*—bill from house of rep. relating to 156, r1 161, r2 166, r3 and p. 256, enrolled 274.
- Official acts of judges and justices*—notice for com. to prepare bill to legalise 80, com appointed 82, bill r1 108, r2 116, r3 and passed 149, passed by house of rep. 296, enrolled 298. (See documentary evidence.)
- Osborn, Winney B. and others*—bill from house of rep. to change the names of, 57, r1 57, r2 68, r3 and 76, enrolled 94.
- Ordinary, courts of*—notice for com to prepare bill to alter in part the time of holding 7, com appointed 22, bill r1 27, r2 33, re-committed to select com. 42, com reported bill r1 45, r2 52, r3 and p. 66, passed by house of rep 294.  
 Bill from house of rep. to cause all appeals from to be tried by special jury 254, r1 255, r2 265, r3 and p. 281, enrol'd 291.  
 Bill from house of rep. relating to the clerks fees 271, r1 271, r2 274, rejected 289.
- Owings, Samuel*—petition referred 44, bill reported to change the names of certain persons r1 44, r2 51, r3 and p. 64, passed by house of rep, 156, enrolled 185, assented to 190.

## P

- Partition of lands and tenements, held in joint tenancy and coparcenary*—notice for com. to prepare bill to alter and amend act concerning, 27
- Patrol laws*—notice for leave to report bill to amend so far as respects Savannah, 49, bill r1 68, r2 68, r3 and passed, 77, passed by house of rep, 295, enrolled, 299.

- Pedlars*—bill from house of rep. to reduce tax on, 151, r1 161, r2 166.
- Penal code*—bill reported to amend, r1 131, r2 150.  
Bill to amend, r1 133, r2 150, r3 and passed, 191.
- Penitentiary*—com. on, instructed to call on inspectors and keeper for papers, accounts, &c. 34.  
Instructed to inquire into expediency of introducing the stepping mill, 45, 182.  
Instructed to inquire into expediency of classing convicts in, 104, reported, 182.  
Resolutions for election of principal keeper and inspectors of, 130, 196, 203.  
Resolution authorising increase of bread rations to convicts in, 298.  
Resolution to take sense of the people on the abolition of, 187, rejected, 214.  
Resolution defining powers and duties of the keeper and inspectors of, 305.
- Petition* of sundry citizens of the counties of Jefferson, Burke, Richmond, Columbia and Warren, 158, of Newton, 9.
- Phillips*, Mr. of Walton—added to com. on petitions—from Newton, 55, leave of absence granted to, 114.  
Of Jones—added to bank com. 35.
- Philomathia academy*—bill from house of rep. to incorporate 184, r1 188, r2 196, r3 and passed, 210, enrolled, 291.
- Physic*, surgery and midwifery—bill relating to the practice of, in Augusta, r1 153, r2 158, r3 and passed, 170.
- Pike county*—petition of citizens of, presented and referred, 177, report agreed to, 216.  
Commissioners of the academy of, appointed, 50, 73, 114.
- Postell* Edward P.—bill from house of rep. to admit him to plead and practice law, 46, r1 49, r2 51, r3 and passed, 65, enrolled, 84.
- Poor school fund*—bill to distribute the proceeds of, r1 115, r2 118, r3 and passed, 207, passed by house of rep. 293, enr. 300.
- Post routes*—resolution relating to, in this state, 273, 273.
- Powell*, Mr.—added to com. on memorials from Savannah, Augusta, and Darien, 125.
- Printing* com. required to contract for printing laws and journals and other papers, 35, required to take into consideration the propriety of reducing the number of copies of the journals, 35, reported contract with Camak & Ragland, agreed to, 48, concurred, 73, approved, 114.
- Privileges* and elections—bill from house of rep. to regulate, 168, r2 196, rejected, 213.
- Pulaski county*—notice for com. to prepare bill to add part of Dooly and Houston to, 21, com. appointed, 26.
- Public education and free schools*—com. on instructed to inquire into the charge made against the county of Wilkinson, report, 220, reported on subject of reserved lands by the United States, 270, on subject of Augusta free school, 284, further reports, 284, 284.
- Public works*—bill from house of rep. to establish a board of, 152, r1 161, r2 166, recommended to the consideration of the next legislature, 265.



## R.

*Rabun* county—petition of sundry citizens of presented and referred 19, another referred, 22, bill reported and r1 45, r2 51, r3 and passed, 65, passed by house of rep. 156, enrolled, 206, assented to, 214.

*Ralls*, James—appointed notary public, 34, 60, 79.

*Resolution* to appoint standing committee, 6, 8, 9.

To elect Governor, 7, 20.

That the Governor furnish 100 copies of Prince's Digest for the use of the legislature, 7.

That absent members be allowed no pay, laid on table, 19, rejected 44.

*Representative* chamber—that repairs be made in, 254, 255.

*Richmond* county academy—petition of the trustees of presented and referred, 138.

Bill from house of rep. for the relief of a portion of the citizens of, 195, r1 204, r2 209, r3 and passed, 267, enrolled, 291.

Bill from house of rep. to levy extra tax in, 203, r1 204, r2 209.

*Richardson*, James—bill from house of rep. to establish his bridge, 151, r1 161, r2 166, r3 and passed, 183, enrolled, 206.

*Linberry*—bill to authorise him to establish a ferry, r1 204, r2 204, r3 and passed, 255, passed by house of rep. 301. enrolled. 304.

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